

Hard Copy Log

SEC v. Cuban 04-19-2010 Production - Hard Copy WP Privilege Log

INDEX NUMBER	BEGPROD.	ENDPROD.	DATE	AUTHOR	RECIPIENT	CC:	DESCRIPTION OF DOCUMENT/REDACTION	PRIVILEGE	REDACTION
1	SEC-MC0200358	SEC-MC0200360	2006.12.20	Riewe, J.M.; Chaudoin, D.T.; Kaplan, R.B.; Friestad, S.W.;	File		Memorandum memorializing counsel's thoughts and impressions from interview of Mark Cuban on December 18, 2006 about Mamma.com trading in HO-10576	WP	
2	SEC-MC0200949	SEC-MC0200984	2007.02.27	Kaplan, R.B.; Friestad, S.W.;	SEC Commissioners		Action Memorandum requesting Commission to issue a formal order of investigation in HO-10576 with investigative counsel's analysis of relevant facts and legal issues	WP, AC, DP	
3	SEC-MC0201769	SEC-MC0201774	2007.02.27	Kaplan, R.B.; Friestad, S.W.;	File		Draft of the Action Memorandum for HO-10576 seeking formal order of private investigation containing analysis of evidence and law with handwritten notes of R.B. Kaplan reflecting strategy	WP, AC, DP	
4	SEC-MC0200593	SEC-MC0200594	2007.03.00	Riewe, J.M.	Riewe, J.M.		Handwritten comments on evidence produced in HO-10576 by Mamma.com disclosing thoughts and impressions of counsel	WP	Yes
5	SEC-MC0200623	SEC-MC0200623	2007.03.00	Riewe, J.M.	Riewe, J.M.		Handwritten comments on evidence produced in HO-10576 by Mamma.com disclosing thoughts and impressions of counsel	WP	Yes
6	SEC-MC0200626	SEC-MC0200626	2007.03.00	Riewe, J.M.	Riewe, J.M.		Handwritten comments on evidence produced in HO-10576 by Mamma.com disclosing thoughts and impressions of counsel	WP	Yes
7	SEC-MC0200364	SEC-MC0200365	2007.03.02	Chaudoin, D.T.;	File		Memorandum memorializing counsel's thoughts and impressions from interview of David Goldman on March 2, 2007 about Mamma.com trading	WP	
8	SEC-MC0200950	SEC-MC0200951	2007.03.02	Riewe, J.M.; Chaudoin, D.T.;	Investigative Team		Memorandum memorializing counsel's thoughts and impressions from interview of David Goldman on March 2, 2007 about Mamma.com trading	WP	
9	SEC-MC0200442	SEC-MC0200443 (duplicate at SEC-MC0200904-05)	2007.03.12	Kaplan, R.B.; Chaudoin, D.T.;	Cullen, L.		Draft Commission Order Directing Private Investigation and Designating Officers to Take Testimony for HO-10576 setting forth legal and factual basis for undertaking formal investigation with handwritten comments of Linda Cullen	WP, AC, DP	
10	SEC-MC0200296	SEC-MC0200304	2007.03.28	Kim, J.	Riewe, J.M.		Memorandum setting forth legal analysis of insider trading law in context of evidence obtained in HO-10576	WP	
11	SEC-MC0200311	SEC-MC0200334	2007.04.02	Riewe, J.M.	Case Team		Outline in preparation for interview of Mark Cuban on April 3, 2007 in HO-10576 with handwritten notes of J.M. Riewe	WP	

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INDEX NUMBER	BEGPROD	ENDPROD	DATE	AUTHOR	RECIPIENT	CC:	DESCRIPTION OF DOCUMENT/REDACTION	PRIVILEGE	REDACTION
12	SEC-MC0200906	SEC-MC0200929	2007.04.02	Riewe, J.M.	Investigative Team		Outline prepared by counsel in preparation for taking testimony from Mark Cuban in HO-10576 with handwritten notes of J.M. Riewe	WP	
13	SEC-MC0201759	SEC-MC0201759	2007.05.06	Kaplan, R.B.	File		Handwritten notes of strategy in the HO-10576 investigation	WP	
14	SEC-MC0201767	SEC-MC0201768	2007.05.06	Kaplan, R.B.	File and HO-10576 team		Outline Wells call to Mark Cuban in HO-10576 discussing facts and legal analysis with handwritten notes from R.B. Kaplan	WP	
15	SEC-MC0200430	SEC-MC0200441	2007.06.28	Friestad, S.W.; Kaplan, R.B.; Chaudoin, D.T.; Riewe, J.M.	Friestad, S.W.; Kaplan, R.B.; Chaudoin, D.T.; Riewe, J.M.		Draft Action Memorandum for HO-10576 requesting Commission decision and providing legal staff's analysis of the facts and law and requesting Commission action	WP, AC, DP	
16	SEC-MC0200892	SEC-MC0200903	2007.06.28	Friestad, S.W.; Kaplan, R.B.; Chaudoin, D.T.; Riewe, J.M.	Investigative Team		Draft Action Memorandum for HO-10576 requesting Commission decision and providing legal staff's analysis of the facts and law	WP, AC, DP	
17	SEC-MC0200273	SEC-MC0200295	2007.07.00	Riewe, J.M.	Case Team		Table setting out factual and legal arguments set forth in Wells submission and responses thereto in HO-10576 in preparation for meeting with Linda Thomsen	WP	
18	SEC-MC0200335	SEC-MC0200339	2007.07.00	Riewe, J.M.	Case Team		Outline in preparation for interview of Charles McKinney on July 31, 2007 in HO-10576 with handwritten notes of J.M. Riewe	WP	
19	SEC-MC0201757	SEC-MC0201757	2007.07.00	Kaplan, R.B.	File		Handwritten notes analyzing legal issues and evidence in the HO-10576 investigation	WP	
20	SEC-MC0200213	SEC-MC0200241	2007.07.07	Riewe, J.M.	File		Redaction of handwritten notes by counsel in HO-10576	WP	Yes
21	SEC-MC0200253	SEC-MC0200257 (duplicates at SEC-MC0200258-62, SEC-MC0200263-67)	2007.07.18	Friestad, S.W.; Kaplan, R.B.; Chaudoin, D.T.; Riewe, J.M.	Thomsen, L.C.		Memorandum discussing response to factual and legal arguments set forth in Wells submission in preparation for meeting with counsel for Mark Cuban in HO-10576	WP, DP	
22	SEC-MC0200806	SEC-MC0200810	2007.07.18	Friestad, S.W.; Kaplan, R.B.; Chaudoin, D.T.; Riewe, J.M.	Thomsen, L.C.		Memorandum summarizing Mark Cuban Wells submission and legal staff response to the legal and factual arguments set forth in the submission for meeting with counsel for Mark Cuban. [Duplicate of SEC-MC0100359 - SEC-MC0100363]	WP, DP	

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23	SEC-MC0200811	SEC-MC0200815	2007.07.18	Friestad, S.W.; Kaplan, R.B.; Chaudoin, D.T.; Riewe, J.M.	Thomsen, L.C.		Memorandum summarizing Mark Cuban Wells submission and legal staff response to the legal and factual arguments set forth in the submission with counsel for Mark Cuban in HO-10576 [Duplicate of SEC-MC0100359 SEC-MC0100363]	WP, DP
24	SEC-MC0200816	SEC-MC0200820	2007.07.18	Friestad, S.W.; Kaplan, R.B.; Chaudoin, D.T.; Riewe, J.M.	Thomsen, L.C.		Memorandum summarizing Mark Cuban Wells submission and legal staff response to the legal and factual arguments set forth in the submission with counsel for Mark Cuban in HO-10576 [Duplicate of SEC-MC0100359 SEC-MC0100363]	WP, DP
25	SEC-MC0200821	SEC-MC0200825	2007.07.18	Friestad, S.W.; Kaplan, R.B.; Chaudoin, D.T.; Riewe, J.M.	Thomsen, L.C.		Memorandum summarizing Mark Cuban Wells submission and legal staff response to the legal and factual arguments set forth in the submission with counsel for Mark Cuban in HO-10576 [Duplicate of SEC-MC0100359 SEC-MC0100363]	WP, DP
26	SEC-MC0200826	SEC-MC0200848	2007.07.18	Riewe, J.M.; Friestad, S.W.; Kaplan, R.B.; Chaudoin, D.T.	Riewe, J.M.; Friestad, S.W.; Kaplan, R.B.; Chaudoin, D.T.		Table setting out factual and legal arguments set forth in Wells submission and responses thereto in preparation for meeting with Linda Thomsen in HO-10576 [Duplicate of SEC-MC0100379 - SEC-MC0100401]	WP
27	SEC-MC0201818	SEC-MC0201823	2007.07.18	Friestad, S.W.; Kaplan, R.B.; Chaudoin, D.T.; Riewe, J.M.	Thomsen, L.C.		Memorandum summarizing May 23, 2007 Wells Call in HO-10576 and Investigative team's response with handwritten notes of S.W. Friestad reflecting meeting with Paul Coggins on July 19, 2007	WP, DP
28	SEC-MC0201718	SEC-MC0201718	2007.07.27	Riewe, J.M.	O'Rourke, K.P.; Kaplan, R.B.		Email discussing upcoming interview of Robert Raich in HO-10576	WP
29	SEC-MC0200930	SEC-MC0200934	2007.07.31	Riewe, J.M.	Case Team		Outline prepared by counsel in preparation for taking testimony from Charles McKinney in HO-10576 with handwritten notes of J.M. Riewe	WP
30	SEC-MC0200351	SEC-MC0200354	2007.08.00	Riewe, J.M.	Case Team		Outline in preparation for interview of Robert Raich in HO-10576 on August 3, 2007 with handwritten notes of J.M. Riewe	WP

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31	SEC-MC0200372	SEC-MC0200374 (duplicate at SEC-MC0200709-11)	2007.08.00	Kaplan, R.B.; O'Rourke, K.P.; Riewe, J.M.	Office of International Affairs		Foreign Travel Request for R.B. Kaplan, K.P. O'Rourke and J.M. Riewe to travel to Montreal for interviews in HO-10576	WP
32	SEC-MC0200946	SEC-MC0200949	2007.08.03	Riewe, J.M.	Case Team		Outline prepared by counsel in preparation for taking testimony from Robert Raich with handwritten notes of J.M. Riewe	WP
33	SEC-MC0201723	SEC-MC0201732	2007.08.03	O'Rourke, K.P.	File		Handwritten notes of interview of Robert Raich in HO-10576 containing counsel's thoughts and impressions	WP
34	SEC-MC0200361	SEC-MC0200363	2007.08.07	Riewe, J.M.; Kaplan R.B.	File		Memorandum memorializing counsel's thoughts and impressions from interview of Charles McKinney on August 7, 2007 in HO-10576 about Mamma.com trading	WP
35	SEC-MC0200366	SEC-MC0200371	2007.08.22	Friestad, S.W.	Ruiz, D.T.		Passport and frequent flier numbers protected by Privacy Act; Identity of interviewees in HO-10576 protected by work product	WP, PA Yes
36	SEC-MC0200340	SEC-MC0200343	2007.09.00	Riewe, J.M.	Case Team		Outline in preparation for interview of David Goldman on September 10, 2007 with handwritten notes of J.M. Riewe	WP
37	SEC-MC0200344	SEC-MC0200346	2007.09.00	Riewe, J.M.	Case Team		Outline in preparation for interview of Daniel Bertrand on September 10, 2007 in HO-10576 with handwritten notes of J.M. Riewe	WP
38	SEC-MC0200347	SEC-MC0200350	2007.09.00	Riewe, J.M.	Case Team		Outline in preparation for interview of Irwin Kramer on September 11, 2007 with handwritten notes of J.M. Riewe	WP
39	SEC-MC0200624	SEC-MC0200624	2007.09.00	Riewe, J.M.	Riewe, J.M.		Handwritten comments on evidence produced in HO-10576 by Mamma.com disclosing thoughts and impressions of counsel	WP Yes
40	SEC-MC0200309	SEC-MC0200310	2007.09.07	Riewe, J.M.	Case Team		Witness tracking chart for HO-10576 containing counsel's impressions of relevant testimony and evidence	WP
41	SEC-MC0200935	SEC-MC0200938	2007.09.10	Riewe, J.M.	Case Team		Outline prepared by counsel in preparation for taking testimony from David Goldman in HO-10576 with handwritten notes of J.M. Riewe	WP
42	SEC-MC0200939	SEC-MC0200941	2007.09.10	Riewe, J.M.	Case Team		Outline prepared by counsel in preparation for taking testimony from Daniel Bertrand in HO-10576 with handwritten notes of J.M. Riewe	WP
43	SEC-MC0201733	SEC-MC0201750	2007.09.10	O'Rourke, K.P.	File		Handwritten notes of interviews of David Goldman and Daniel Bertrand in HO-10576 containing counsel's thoughts and impressions	WP
44	SEC-MC0200942	SEC-MC0200945	2007.09.11	Riewe, J.M.	Case Team		Outline prepared by counsel in preparation for taking testimony from Irwin Kramer in HO-10576 with handwritten notes of J.M. Riewe	WP
45	SEC-MC0201719	SEC-MC0201718	2007.09.11	O'Rourke, K.P.	File		Handwritten notes of interview of Irwin Kramer in HO-10576 containing counsel's thoughts and impressions	WP

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46	SEC-MC0201776	SEC-MC0201776	2007.09.14	Kaplan, R.B.; Friestad, S.W.; Kaplan, R.B.; Chaudoin, R.B.; D.T.; Riewe, J.M.; O'Rourke, K.P.	File		Handwritten notes reflecting R.B. Kaplan's evaluation of the testimony in HO-10576	WP
47	SEC-MC0200416	SEC-MC0200429 (duplicate at SEC-MC0200878-91)	2007.10.15	Friestad, S.W.; Kaplan, R.B.; Chaudoin, R.B.; D.T.; Riewe, J.M.; O'Rourke, K.P.	Friestad, S.W.; Kaplan, R.B.; Chaudoin, D.T.; Riewe, J.M.		Handwritten comments and edits of S.W. Friestad on draft Action Memorandum for HO-10576 requesting Commission decision and providing legal staff's analysis of the facts and law	WP, AC, DP
48	SEC-MC0201790	SEC-MC0201803	2007.10.15	Friestad, S.W.; Friestad, S.W.; Kaplan, R.B.; Chaudoin, R.B.; D.T.; Riewe, J.M.; O'Rourke, K.P.	File and HO-10576 team		Draft Action Memorandum for HO-10576 containing analysis of law and evidence with edits from S.W. Friestad	WP, AC, DP
49	SEC-MC0200410	SEC-MC0200415 (duplicate at SEC-MC0200872-77)	2007.11.01	Friestad, S.W.; Kaplan, R.B.; Chaudoin, R.B.; D.T.; Riewe, J.M.; O'Rourke, K.P.	Friestad, S.W.; Kaplan, R.B.; Chaudoin, D.T.; Riewe, J.M.		Handwritten comments and edits of K.P. O'Rourke on draft Action Memorandum for HO-10576 requesting Commission decision and providing legal staff's analysis of the facts and law	WP, AC, DP
50	SEC-MC0201804	SEC-MC0201817	2007.11.13	HO-10576 Case Team; Friestad, S.W.; Kaplan, R.B.; Chaudoin, D.T.; Riewe, J.M.; O'Rourke, K.P.	File and HO-10576 team		Draft of Action Memorandum for HO-10576 containing analysis of the evidence and the law with handwritten edits of S.W. Friestad	WP, AC, DP
51	SEC-MC0200394	SEC-MC0200409	2007.11.21	Friestad, S.W.; Kaplan, R.B.; Chaudoin, D.T.; Riewe, J.M.; O'Rourke, K.P.	Case Team		Draft Action Memorandum for HO-10576 requesting Commission decision and providing legal staff's analysis of the facts and law with handwritten comments of S.W. Friestad and J.M. Riewe	WP, AC, DP
52	SEC-MC0200858	SEC-MC0200871	2007.11.21	Friestad, S.W.; Kaplan, R.B.; Chaudoin, D.T.; Riewe, J.M.; O'Rourke, K.P.	Case Team		Draft Action Memorandum for HO-10576 requesting Commission decision and providing legal staff's analysis of the facts and law with handwritten comments of S.W. Friestad	WP, AC, DP
53	SEC-MC0201777	SEC-MC0201789	2007.12.31	Friestad, S.W.	File		Handwritten notes of S.W. Friestad on Action Memorandum for HO-10576 reflecting his thoughts for discussion with the Commission.	WP, AC, DP

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54	SEC-MC0200242	SEC-MC0200245	2008.01.00	Riewe, J.M.	Case Team		Outline of legal and factual issues to discuss with Commissioners' Legal Assistants on January 22, 2008 in HO-10576 with handwritten notes of J.M. Riewe	WP, AC, DP
55	SEC-MC0200246	SEC-MC0200249	2008.01.00	Riewe, J.M. Friestad, S.W.;	Case Team		Outline of legal and factual issues to discuss with Commissioners' Legal Assistants on January 22, 2008 in HO-10576	WP, AC, DP
56	SEC-MC0200796	SEC-MC0200799	2008.01.00	Kaplan, R.B.; Chaudoin, D.T.; Riewe, J.M.; O'Rourke, K.P.	Case Team		Draft Talking Points for anticipated January 22, 2008 Meeting with Commissioners' Legal Assistant in HO-10576 setting forth counsels' analysis of the relevant facts and law with handwritten notes and edits of J.M. Riewe	WP, AC, DP
57	SEC-MC0200800	SEC-MC0200803	2008.01.00	Riewe, J.M.	Case Team		Draft Talking Points for anticipated January 22, 2008 Meeting with Commissioners' Legal Assistants in HO-10576 setting forth counsels' analysis of the relevant facts and law	WP, AC, DP
58	SEC-MC0201751	SEC-MC0201753	2008.01.00	Kaplan, R.B.	File		Handwritten notes setting out evidence and questions about timing of the PIPE transaction in the HO-10576 investigation	WP
59	SEC-MC0201755	SEC-MC0201755	2008.01.00	Kaplan, R.B.	File		Handwritten notes analyzing evidence and legal issues raised in the HO-10576 investigation	WP
60	SEC-MC0201764	SEC-MC0201766	2008.01.00	Kaplan, R.B. Friestad, S.W.;	File		Draft of memorandum from Linda C. Thomsen to Christopher Cox outlining the chronology of the HO-10576 with handwritten edits of R.B. Kaplan	WP, AC, DP
61	SEC-MC0200385	SEC-MC0200393	2008.01.25	Kaplan, R.B.; Chaudoin, D.T.; Riewe, J.M.; O'Rourke, K.P.	Case Team		Draft Complaint in Securities and Exchange Commission v. Mark Cuban with handwritten comments of S.W. Friestad	WP
62	SEC-MC0200849	SEC-MC0200857	2008.01.25	Friestad, S.W.;	Case Team		Draft Complaint in Securities and Exchange Commission v. Mark Cuban with handwritten comments of S.W. Friestad	WP

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63	SEC-MC0201606	SEC-MC0201608	2008.01.31	Levine, R.; Pistow, L.	Case Team		Memorandum prepared by counsel in the Office of General Counsel addressing issues to be considered by Commissioners in conjunction with Action Memorandum for HO-10576	WP, AC, DP
65	SEC-MC0201702	SEC-MC0201706	2008.06.30	Supervisors	SEC Manager		Counsel's memorandum re: proposed employee action with respect to employee not involved in HO-10576, includes disciplinary action discussion against employee.	WP, DP, PA
66	SEC-MC0201707	SEC-MC0201711	2008.07.01	Supervisors	File		Counsels draft memorandum re: employee action with respect to employee not involved in HO-10576, includes disciplinary action discussion against employee	WP, DP, PA
68	SEC-MC0201761	SEC-MC0201761	2008.10.00	Kaplan, R.B.	File		Outline of arguments to discuss with counsel for use in HO-10576	WP
69	SEC-MC0200250	SEC-MC0200252	2008.11.00	Riewe, J.M.	Case Team		Draft Talking Points for November 13, 2008 meeting with the Commissioners to discuss staff recommendation for HO-10576	WP, AC, DP
70	SEC-MC0201763	SEC-MC0201763	2008.11.00	Kaplan, R.B.	File		Draft copy of SEC press release for HO-10576 with handwritten notes of R.B. Kaplan	WP
71	SEC-MC0201609	SEC-MC0201612	2008.11.12	Levine, R.; Pistow, L.	Commissioners and Staff; HO-10576 Case Team		OFFICIAL COMMISSION RECORD HO-10576 -- Memorandum prepared by counsel in the Office of General Counsel addressing issues to be considered by Commissioners in conjunction with Action Memorandum	WP, AC, DP
72	SEC-MC0200305	SEC-MC0200308	2008.11.13	Levine, R.; Pisto, L.	Commissioners and Staff		Memorandum prepared by attorneys in Commission's Office of General Counsel addressing legal and factual issues raised in Action Memo for HO-10576 with handwritten notes of J.M. Riewe	WP, AC, DP
73	SEC-MC0200987	SEC-MC0201602	2008.11.13	Friedstad, S.W.; Kaplan, R.B.; Chaudoin, D.T.; Riewe, J.M.; O'Rourke, K.P.	SEC Commissioners		OFFICIAL COMMISSION RECORD HO-10576 -- Action Memorandum requesting Commission to authorize filing a civil action in HO-10576 with investigative and litigation counsel's analysis of relevant facts and legal issues with Secretary's Notations of Agency Action taken on November 13, 2008 with Official Commission File, including Wells Submission of June 29, 2007, Wells Submission of September 21, 2007 (and exhibits thereto), R.C. Ferrara September 21, 2007 letter to S.W. Friedstad (and exhibits attached thereto), and S.W. Friedstad letter of September 24, 2007 to R. C. Ferrara.	WP, AC, DP

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74			2008.11.13	Commission Executive Session	Commissioners, Senior Staff, Members of Investigative team and Senior Enforcement Staff		Tape recording of Closed Executive Meeting of Commissioners to consider Action Memorandum in HO-10576 requesting authorization to bring civil action against Mark Cuban for insider trading	WP, AC, DP
75	SEC-MC0200985	SEC-MC0200986	2008.11.13	Taylor, J.L.; Kimps, M.M.	Official Commission Files		Minutes of substantive discussion among Commissioners during Executive Session November 13, 2008 discussing whether to authorize filing a civil suit against Mark Cuban HO-10576	DP, AC, WP
76	SEC-MC0201619	SEC-MC0201697	2009.01.00	Supervisor	Co-supervisors		Attachments to draft proposed employee discipline regarding employee not involved in HO-10576, includes disciplinary action discussion against employee and discussions of Commission investigations, attached to SEC-MC0201613	WP, PA, WP
77	SEC-MC0201613	SEC-MC0201618	2009.01.00	Supervisor	Co-supervisors		Draft memorandum regarding discipline of employee not involved in HO-10576 (with exhibits, some of which contain discussions of Commission investigations)	WP, DP, PA
78	SEC-MC0201879	SEC-MC0201932	various	Rieve, J.M. Chaudoin, D.T.	File		Notebook memorializing counsel's contacts with witnesses and counsel in course of HO-10576 investigation between December 6, 2006 and May 30, 2008	WP
79	SEC-MC0201603	SEC-MC0201605		O'Rourke, K.P.	File		Handwritten notes relating to investigation of Mark Cuban's trading in Mamma.com stock in HO-10576	WP
80	SEC-MC0201716	SEC-MC0201711			File		Notes evaluating testimony and evidence in anticipation of filing civil complaint in HO-10576	WP
81	SEC-MC0201937	SEC-MC0201937		Rieve, J.M.	Kaplan, R.B., Friestad, S.		Email string discussing Mamma.com knowledge of Cuban's sale of his Mamma.com stock	WP

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Exhibit A-3

SEC Privilege Log:

Deliberative Process Privilege

Electronic Log

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Index Number	SEC PROD. #	DATE	SEC MASTER LOG WITH INDEX NUMBERS - All Privileges		CO	BPC	OTHER PARTIAL PARTICIPANTS	DISCLOSURE	DP
			FROM	TO					
3	SEC-MC0300384	3/10/2006	Turner, Alton O.	Williams, Ida				Email transmitting proposed Formal Order of Investigation in HO-09900 to Office of Secretary for distribution to Commissioners	DP
12	SEC-MC0300972	10/19/2005	Harvey, Paul	Turner, Alton O.				Email forwarding Memorandum setting forth evidence and law in support of bringing an enforcement action in HO-09900	DP, WP
24	SEC-MC0301597	1/9/2007	Chaudoin, Daniel T.	Riwe, Julie M.			Bush, J. Carr, J.M.	memorandum seeking authorization to open formal investigation for HO-10576	DP, WP
25	SEC-MC0300371	2/14/2007	Riwe, J.M.	Friedel, Scott W.	Chaudoin, D.T.; Kaplan, R.B.			Draft formal order of investigation for HO-10576 attached to SEC-MC0300395	DP, AC, WP
26	SEC-MC0300821	2/15/2007	Riwe, Julie M.	Kaplan, Robert; Chaudoin, Daniel T.				Email discussion of evidence in draft action memorandum for review with Commissioners to obtain authorization to open a formal investigation in HO-10576	DP, AC, WP
27	SEC-MC0300305	2/16/2007	Kaplan, Robert	Riwe, Julie M.				Email discussing and forwarding edits to draft Action Memorandum requesting authorization for formal order of investigation in HO-10576	DP, AC, WP
29	SEC-MC0300300	2/20/2007	Kaplan, Robert	Riwe, Julie M.				Draft Action Memorandum in HO-10576 discussing law and evidence in support of recommendation for formal order of investigation, dated February 2007, attached to SEC-MC0300395	DP, AC, WP
31	SEC-MC0300366	2/20/2007	Riwe, Julie M.	Friedel, Scott W.	Chaudoin, D.T.; Kaplan, R.B.			Draft action memorandum presenting material facts, discussing legal issues requesting the Commission to issue a formal order of investigation for HO-10576 attached to SEC-MC0300395	DP, AC, WP
32	SEC-MC0300373	2/20/2007	Riwe, Julie M.	Kaplan, Robert	Chaudoin, Daniel T.			Email string with internal investigative comments to draft action memorandum in HO-10576	DP, WP
35	SEC-MC0301809	2/26/2007	Chaudoin, Daniel T.	Riwe, Julie M.				Email discussion transmitting comments of counsel in Office of General Counsel on draft Action Memorandum seeking formal order of investigation in HO-10576 and discussing issues raised by counsel	DP, AC, WP
37	SEC-MC0301810	2/26/2007	Chaudoin, Daniel T.	Riwe, Julie M.			Pisto, L.W.	Email discussion among investigative counsel discussing legal analysis in draft Action Memorandum in HO-10576 requesting formal order of investigation in light of comments received from Office of General Counsel	DP, AC, WP
38	SEC-MC0301812	2/26/2007	Chaudoin, Daniel T.	Riwe, Julie M.				Email discussion among investigative counsel discussing revisions to summary of evidence in draft Action Memorandum in HO-10576, requesting formal order of investigation	WP, AC, DP
39	SEC-MC0301827	2/26/2007	Riwe, Julie M.	Chaudoin, Daniel T.				Email proposing revisions to text of draft Action Memorandum requesting formal order of investigation, attached to SEC-MC0301812	DP, AC, WP
40	SEC-MC0301828	2/26/2007	Riwe, Julie M.	Pisto, Lawrence W.	Chaudoin, Daniel T.			Email discussing and forwarding edits to draft Action Memorandum in HO-10576 in response to legal advice received from Office of General Counsel	DP, AC, WP

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Index Number	Case No.	Exemption	Date	From	To	Other Email	Subject	Privilege
42	SEC-MC0300348	SEC-MC0300353	2/27/2007	Rieve, J.M.	Kaplan, R.B.		Draft Action Memorandum to Commission presenting material facts, discussing legal issues and seeking formal order of investigation	DP, AC, WP
43	SEC-MC0301148	SEC-MC0301153	2/27/2007	Friedstad, S.W.; Kaplan, R.B.; Chaudoin, D.T.; Rieve, J.M.	Malia, Lou		Action Memorandum seeking formal order of investigation for HO-10576, containing counsel's summary of the evidence and law, attached to SEC-MC0301147	DP, AC, WP
44	SEC-MC0301608	SEC-MC0301608	2/27/2007	Rieve, Julie M.; Kaplan, R.B.; Chaudoin, D.T.; Friedstad, S.W.	Griffin, Alvonya; Chaudoin, Daniel T.		Forwarding Action Memorandum seeking formal order of investigation for HO-10576	DP, AC, WP
45	SEC-MC0301609	SEC-MC0301614	2/27/2007	Rieve, Julie M.; Kaplan, R.B.; Chaudoin, D.T.; Friedstad, S.W.	Griffin, Alvonya; Chaudoin, Daniel T.		Action Memorandum seeking formal order of investigation HO-10576, attached to SEC-MC0301608	DP, AC, WP
46	SEC-MC0301749	SEC-MC0301749	2/27/2007	Rieve, Julie M.	Pisto, Lawrence W.	Chaudoin, Daniel T.	Transmitting revised draft Action Memorandum seeking formal order of investigation in HO-10576 to obtain legal advice for Commissioners from Office of General Counsel	DP, AC, WP
49	SEC-MC0301750	SEC-MC0301755	2/27/2007	Rieve, Julie M.	Pisto, Lawrence W.	Chaudoin, Daniel T.	Draft Action Memorandum seeking formal order of investigation in HO-10576, incorporating advice of Office of General Counsel, and attaching counsel's summary of the facts and law	DP, AC, WP
50	SEC-MC0301808	SEC-MC0301808	2/27/2007	Chaudoin, Daniel T.	Rieve, Julie M.		Email transmitting counsel's summary of evidence in HO-10576 in support of obtaining formal order of investigation	DP, WP
51	SEC-MC0301826	SEC-MC0301826	2/27/2007	Rieve, Julie M.	Pisto, Lawrence W.	Chaudoin, Daniel T.	Email forwarding investigative counsel's proposed revisions to text to obtain advice of Office of General Counsel on draft Action Memorandum in HO-10576, requesting formal order of investigation	DP, AC, WP
55	SEC-MC0300955	SEC-MC0300955	3/9/2007	Kaplan, Robert	Friedstad, Scott		Email discussing communications with Chairman's office with respect to obtaining formal order of investigation for HO-10576	DP, WP
56	SEC-MC0300290	SEC-MC0300298	4/27/2007	Kaplan, R.B.	Friedstad, S.W.		2/27/2007 report from R. Kaplan to SEC regarding summary of R. Kaplan's investigation, including HO-10576, redacting privileged information related to non-relevant investigations	DP, AC, WP
73	SEC-MC0303027	SEC-MC0303037	5/19/2007	Friedstad, S.W.	Bresnan, P.	Rieve, Julie M.; Kaplan, R.B.; Chaudoin, D.T.	Email transmitting draft Wells outline for call with M. Cuban	DP, WP
74	SEC-MC0300306	SEC-MC0300310	5/19/2007	Friedstad, S.W.	Bresnan, P.	Rieve, Julie M.; Kaplan, R.B.; Chaudoin, D.T.	Email from Friedstad to Bresnan re: Wells call to Cuban and attaching Wells outline, forwarded to investigation team	DP, WP
76	SEC-MC0301172	SEC-MC0301172	5/15/2007	Friedstad, Scott	Bresnan, Peter		Email transmitting draft outline for Cuban Wells call to occur in May 2007 with comments of counsel	DP, WP
77	SEC-MC0301173	SEC-MC0301176	5/15/2007	Friedstad, Scott	Bresnan, Peter		Draft outline for Cuban Wells call attached to SEC-MC0301172	DP, WP
80	SEC-MC0302587	SEC-MC0302613	5/18/2007	Balduschi, Deborah	Cox, Christopher		Email discussing and forwarding email exchange between SEC personnel and third party for purpose of obtaining legal advice re. potential employee disciplinary action	DP, AC, PA
95	SEC-MC0301508	SEC-MC0301508	5/23/2007	Bresnan, Peter	Friedstad, Scott	Thomsen, Linda	Emailing transmitting decision on HO-10576 to SEC-MC0301508	DP, WP
97	SEC-MC0302444	SEC-MC0302447	5/23/2007	Bresnan, Peter	Thomsen, Linda	Friedstad, Scott	Draft outline for HO-10576 Wells call to Mark Cuban regarding HO-10576, attached to SEC-MC0302443	DP, WP

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SEC v. Cuban 04-16-2010 Production - Electronic Document DP Privilege Log

Index Number	Produced Pursuant to	Excluded Pursuant to	DATE	FROM	TO	CC	OTHER EMAIL PARTICIPANTS	EXEMPTED FROM DISCOVERY	EXEMPTED FROM PUBLIC RELEASE
98	SEC-MC0302578	SEC-MC0302578	5/23/2007	Bresnan, Peter	Friedland, Scott	Thomsen, Linda		Excluded pursuant to Rule 6(e) for proposed Wells call with M. Cuban in HO-10576	DP, WP
105	SEC-MC0301147	SEC-MC0301147	7/12/2007	Riewe, J.M.	Mella, Lou	O'Rourke, Kevin		Email forwarding draft formal order memorandum, and outlines for Mark Cuban's Wells call of May 23, 2007 for evaluation	DP, AC, WP
106	SEC-MC0302556	SEC-MC0302556	7/13/2007	Uhlmann, Peter	Loesch, Michael		Stachnik, Walter	Email forwarding email exchange between SEC employee and Mark Cuban for consideration by senior agency officials with attached records, includes discussion of disciplinary action against employee	DP, PA, WP
107	SEC-MC0302557	SEC-MC0302556	7/13/2007	Uhlmann, Peter	Loesch, Michael		Uhlmann, Peter; Loesch, Michael; Stachnik, Walter	Email exchange between SEC personnel discussing discourse with M. Cuban, includes discussion of disciplinary action against employee, attached to SEC-MC0302555	DP, PA, WP
139	SEC-MC0301101	SEC-MC0301117	7/25/2007	Riewe, Julie M.	O'Rourke, Kevin			Initial draft action memorandum seeking authorization to bring civil action against Mark Cuban and setting out counsel's thoughts and opinions on evidence and law	DP, AC, WP
142	SEC-MC0301100	SEC-MC0301100	7/26/2007	Riewe, Julie M.	O'Rourke, Kevin			Email transmitting initial draft action memorandum seeking authorization to bring civil action against Mark Cuban and setting out counsel's thoughts and opinions on evidence and law	DP, AC, WP
143	SEC-MC0301066	SEC-MC0301073	7/26/2007	Friedland, Scott	Calande, Pauline E.			Redaction of internal report on HO-10576 investigation. Reports on other investigations redacted as nonresponsive & privileged	DP, WP
151	SEC-MC0300455	SEC-MC0300455	8/1/2007	Riewe, Julie M.	Kaplan, Robert			Investigations redacted as nonresponsive & privileged	DP, WP
152	SEC-MC0300456	SEC-MC0300474	8/1/2007	Riewe, J.M.	File			Investigations redacted as nonresponsive & privileged	DP, AC, WP
164	SEC-MC0300423	SEC-MC0300443	8/24/2007	Riewe, J.M.	Kaplan, Robert			August 24, 2007 draft of action memorandum presenting material facts, discussing legal issues and seeking authorization to file civil action in HO-10576 attached to SEC-MC0300424	DP, AC, WP
168	SEC-MC0300424	SEC-MC0300424	8/28/2007	Riewe, Julie M.	Kaplan, Robert			Email transmitting August 24, 2007 draft action memorandum for HO-10576	DP, AC, WP
194	SEC-MC0300441	SEC-MC0300441	9/19/2007	Zelinskiy, Yuri	Chion, Antonia	Turner, Allen O.		Email requesting decision on closing of HO-09900 investigation	DP, WP
201	SEC-MC0300656	SEC-MC0300656	9/26/2007	Zelinskiy, Yuri	Nester, John J.	Chion, Antonia		Email string transmitting inquiry from reporter about HO-09900 investigation, describing investigation, and requesting assistance in responding	DP, WP
205	SEC-MC0300252	SEC-MC0300266	10/3/2007	Riewe, Julie M.	Kaplan, Robert; Chaudoin, Daniel T.			Draft Action Memorandum in HO-10576 with counsel's redlined suggestions about the legal and evidentiary discussions	DP, AC, WP
206	SEC-MC0301894	SEC-MC0301708	10/3/2007	Chaudoin, D.T.	Riewe, J.M.			Draft Action Memorandum in HO-10576 with counsel's redlined suggestions about the legal and evidentiary discussions	DP, AC, WP
208	SEC-MC0300801	SEC-MC0300801	10/4/2007	Kaplan, Robert	Riewe, Julie M.		Chaudoin, Daniel	Email string forwarding draft action memorandum for HO-10576 with Riewe comments on case law	DP, AC, WP

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Page Number	SEC Document Number	Date	From	To	CC	Subject	DP	AC	WP
210	SEC-MC0301796	10/4/2007	Riewe, Julie M.	Chaudoin, Daniel T.		Email among investigative counsel in HO-10576 discussing facts to be included in Action Memorandum	DP, WP		
215	SEC-MC0300802	10/11/2007	Riewe, Julie M.	Kaplan, Robert		Email discussing revisions to draft action memorandum for HO-10576 to Mark Co. Issues raised by counsel for Mark Co.	DP, AC, WP		
216	SEC-MC0301787	10/11/2007	Chaudoin, Daniel T.	Riewe, Julie M.		Emails discussing preparation and content of Action Memorandum in HO-10576 in anticipation of meeting with Commission	DP, WP		
217	SEC-MC0301788	10/11/2007	Chaudoin, Daniel T.	Riewe, Julie M.		Emails discussing preparation and content of draft Action Memorandum in HO-10576 in anticipation of meeting with Commission	DP, WP		
218	SEC-MC0301795	10/11/2007	Riewe, Julie M.	Chaudoin, Daniel T.		Email discussion among investigative counsel in HO-10576 discussing preparation for Commission meeting	DP, WP		
219	SEC-MC0300221	10/12/2007	Riewe, Julie M.	Kaplan, Robert	Kaplan, Robert; Riewe, Julie	Email forwarding revised draft Action Memorandum for HO-10576, discussing edits	DP, WP		
220	SEC-MC0300222	10/12/2007	Riewe, Julie M.	Kaplan, Robert		Draft Action Memorandum in HO-10576 discussing law and evidence in support of recommendation, dated October 12, 2007, attached to SEC-MC0300221	DP, AC, WP		
221	SEC-MC0300144	10/19/2007	Kaplan, Robert	Riewe, Julie M.	Kaplan, Robert; Riewe, Julie	October 15, 2007 draft of Action Memorandum for HO-10576 discussing law and evidence in support of recommendation attached to SEC-MC0300143	DP, AC, WP		
223	SEC-MC0300207	10/19/2007	Riewe, Julie M.	Kaplan, Robert	Kaplan, Robert; Riewe, Julie	Draft Action Memorandum in HO-10576 discussing law and evidence in support of recommendation, dated October 15, 2007, attached to SEC-MC0300191	DP, AC, WP		
224	SEC-MC0301207	10/19/2007	Riewe, J.M.; Kaplan, R.B.; Chaudoin	Friedstad, S.W.		Draft Action Memorandum discussing law and evidence for purpose of seeking authorization to file civil action in HO-10576 attached to SEC-MC0301206	DP, AC, WP		
226	SEC-MC0300192	10/19/2007	Riewe, Julie M.	Kaplan, Robert	Kaplan, Robert; Riewe, Julie	Draft Action Memorandum in HO-10576 discussing law and evidence in support of recommendation, dated October 15, 2007, attached to SEC-MC0300191	DP, AC, WP		
227	SEC-MC0300973	10/19/2007	Friedstad, S.W.	Kaplan, R.B.		Forwarding email from Friedstad to Koritsch referring to defense counsel's letter and issues raised therein	DP, WP		
228	SEC-MC0301188	10/18/2007	Friedstad, S.W.	Thomsen, Linda; Bresnan, Peter; Ricciardi, Walter	Calande, Pauline E.	Quarterly report for investigations supervised by Robert Kaplan including HO-10576 attached to SEC-MC0301187	DP, WP		
230	SEC-MC0300160	10/19/2007	Kaplan, Robert	Riewe, Julie M.	Kaplan, Robert; Riewe, Julie	Draft Action Memorandum in HO-10576, dated October 15, 2007, discussing law and evidence in support of recommendation, attached to SEC-MC0300159	DP, AC, WP		
232	SEC-MC0300176	10/19/2007	Kaplan, Robert	Friedstad, Scott	Friedstad, Scott; Kaplan, Robert	Draft Action Memorandum in HO-10576, dated October 15, 2007, discussing law and evidence in support of recommendation	DP, AC, WP		
236	SEC-MC0302434	10/19/2007	Friedstad, Scott	Thomsen, Linda; Bresnan, Peter; Ricciardi, Walter	Calande, Pauline	October 15, 2007 memorandum summarizing ongoing enforcement investigations, including HO-10576, attached to SEC-MC0302433	DP, WP		

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Index Number	SEC-PROD	DATE	FROM	TO	ACC	SEC	OTHER EMAIL PARTICIPANTS	SUBJECT	PRIVILEGE
238	SEC-MC0301447	10/31/2007	O'Rourke, Kevin	O'Rourke, Kevin				Email note containing trial counsel's thoughts and impressions of issues that should be brought to the attention of the Commission in determining whether to authorize filing a civil action against Mark Cuban	DP, AC, WP
240	SEC-MC0301446	11/12/2007	O'Rourke, Kevin	Mella, Lou				Email forwarding proposed insert for Action Memorandum in HO-10576 discussing issues for the Commission to consider in determining whether to authorize filing a civil action against Mark Cuban	DP, AC, WP
241	SEC-MC0300590	11/2/2007	Riwe, J.M.	Kaplan, R.				November 2, 2007 draft Action Memorandum for HO-08900 Investigation, presenting material facts and discussing legal issues and seeking authorization to bring civil action for HO-10576 attached to SEC-MC0300589	DP, WP
243	SEC-MC0300485	11/13/2007	Kaplan, R.B.	Kaplan, R.B.; O'Rourke, K.P.; Riwe, J.M.				November 13, 2007 draft of Action Memorandum sent to Scott Priestad, presenting material facts, discussing legal issues and seeking authorization to file civil action for HO-10576	DP, AC, WP
244	SEC-MC0300501	11/13/2007	Riwe, J.M.	Kaplan, R.B.; Riwe, J.M.				November 13, 2007 draft of Action Memorandum sent to Scott Priestad, presenting material facts and discussing legal issues and seeking authorization to bring civil action for HO-10576, attached to SEC-MC0300500	DP, AC, WP
245	SEC-MC0301673	11/13/2007	Chaudoin, D.T.	Riwe, J.M.; Kaplan, R.B.; Priestad, S.W.; Chaudoin, D.T.				Draft Action Memorandum in HO-10576 requesting authorization to file civil action containing counsel's evaluation of the facts and law	DP, AC, WP
248	SEC-MC0300516	11/21/2007	Riwe, J.M.	Kaplan, R.B.				November 21, 2007 draft of Action Memorandum presenting material facts and discussing legal issues and seeking authorization to bring civil action for HO-10576	DP, AC, WP
250	SEC-MC0300571	11/21/2007	Riwe, Julie M.	Kaplan, Robert				November 21, 2007 draft of Action Memorandum presenting material facts and discussing legal issues and seeking authorization to bring civil action for HO-10576, attached to SEC-MC0300570	DP, AC, WP
252	SEC-MC0301659	11/21/2007	Friedstad, S.W.	Chaudoin, Daniel T.; Kaplan, R.B.				Draft Action Memorandum in HO-10576 requesting counsel's evaluation of the facts and law and discussing changes in draft, attached to SEC-MC0301658	DP, AC, WP
253	SEC-MC0300085	11/26/2007	O'Rourke, K.P.	Pisto, Lawrence W.				November 26, 2007 draft Action Memorandum for HO-10576, attached to SEC-MC0300082	DP, AC, WP
254	SEC-MC0300082	11/26/2007	Riwe, Julie M.	Pisto, Lawrence W.			Kaplan, Robert; Chaudoin, Daniel T.	Email forwarding draft Action Memorandum and associated materials for the purpose of obtaining legal advice for the Commission with respect to the requested action on HO-10576	DP, AC, WP
255	SEC-MC0300543	11/26/2007	Riwe, Julie M.	Friedstad, S.W.; Kaplan, R.B.; Other?				November 26, 2007 draft Action Memorandum presenting material facts and discussing legal issues and seeking authorization to bring civil action for HO-10576	DP, AC, WP

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LINE	DATE	FROM	TO	OTHER EMAIL PARTICIPANTS	SUBJECT	DATE	DP	PA	WP
292	SEC-MC0302423	SEC-MC0302423	1/24/2008 Ricciardi, Walter	Gallagher, Jr., Daniel M.	Kaplan, Robert; Friestad, Scott; Thomsen, Linda;	Email forwarding memorandum prepared for Director of Enforcement providing chronology of HO-10576 investigation and actions of attorney not involved in HO-10576, includes disciplinary action discussion against employee			DP, PA, WP
293	SEC-MC0302424	SEC-MC0302428	1/25/2008 Ricciardi, Walter	Gallagher, Jr., Daniel M.	Kaplan, Robert; Friestad, Scott; Thomsen, Linda;	Draft memorandum prepared for Director of Enforcement setting out chronology of HO-10576 investigation and actions of attorney not involved in HO-10576, includes disciplinary action discussion against employee, attached to SEC-MC0302423.			DP, PA, WP
294	SEC-MC0302459	SEC-MC0302459	1/25/2008 Friestad, Scott	Thomsen, Linda; Ricciardi, Walter	Kaplan, Robert	Email forwarding draft memorandum prepared for Director of Enforcement providing chronology of HO-10576 investigation and actions of attorney not involved in HO-10576, includes disciplinary action discussion against employee			DP, PA, WP
295	SEC-MC0302460	SEC-MC0302462	1/25/2008 Friestad, Scott	Thomsen, Linda; Ricciardi, Walter	Kaplan, Robert	Draft memorandum prepared for Director of Enforcement to send to Chairman Cox providing chronology of HO-10576 investigation and actions of attorney not involved in HO-10576, includes disciplinary action discussion against employee, attached to SEC-MC0302459			DP, PA, WP
296	SEC-MC0302686	SEC-MC0302686	1/25/2008 Vollmer, Andrew	Cartwright, Brian G.	Romero, Christy	Email commenting on legal advice of Office of General Counsel in advance of meeting with Linda Thomsen and Chairman Cox			DP, AC, WP
301	SEC-MC0301163	SEC-MC0301163	1/30/2008 Friestad, Scott	Korotash, Stephen J.; Thomsen, L.C.; Ricciardi, W.		Emails forwarding draft chronology of the HO-10576 investigation, including discussion of disciplinary action against employee, with comments of counsel on additional information to be provided			DP, PA, WP
302	SEC-MC0301167	SEC-MC0301167	1/30/2008 Korotash, Stephen J.	Friestad, Scott		Email transmitting revised draft chronology of the HO-10576 investigation and attorney communications with Mark Cuban, including discussion of disciplinary action against employee			DP, PA, WP
305	SEC-MC0300089	SEC-MC0300089	1/31/2008 Friestad, Scott	Thomsen, Linda; Ricciardi, Walter	Kaplan, Robert	Email transmitting revised draft chronology of HO-10576 investigation and potential disciplinary action against employee			DP, PA, WP
316	SEC-MC0301495	SEC-MC0301495	1/31/2008 Friestad, Scott	Kaplan, Robert	Thomsen, Linda; Ricciardi, Walter	Email string forwarding revised chronology of HO-10576 investigation and actions of employee not involved in HO-10576, including references to disciplinary action			DP, PA, WP
317	SEC-MC0301501	SEC-MC0301501	1/31/2008 Thomsen, Linda	Friestad, Scott	Thomsen, Linda; Ricciardi, Walter; Kaplan, Robert	Email string attaching chronology of HO-10576 investigation, actions of employee not involved in that investigation, including discussion of disciplinary action against employee, and discussing timing of Commission consideration of Action Memorandum			DP, PA, WP
320	SEC-MC0302463	SEC-MC0302463	1/31/2008 Friestad, Scott	Thomsen, Linda; Ricciardi, Walter	Kaplan, Robert	Email discussing and transmitting revised memorandum prepared for Director of Enforcement providing chronology of HO-10576 investigation and actions of attorney not involved in HO-10576			DP, PA, WP

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Item Number	Recorded	Exemption	Date	From	To	CC	BOC	Comments	Reviewed	DP	PA	WP
321	SEC-MC0302464	SEC-MC0302467	1/31/2008	Friestad, Scott	Thomsen, Linda ; Riccardi, Walter	Kaplan, Robert		Draft memorandum prepared for Director of Enforcement to send to Chairman Cox providing chronology of HO-10576 investigation and actions of attorney not involved in HO-10576. Includes disciplinary action discussion against employee, attached to SEC-MC0302463		DP	PA	WP
335	SEC-MC0302403	SEC-MC0302403	2/4/2008	Gallagher, Jr., Daniel M.	Uhlmann, Peter; Romero, Christy L.			Email forwarding memorandum prepared for Director of Enforcement providing chronologies of HO-10576 investigation and actions of attorney not involved in HO-10576		WP	PA	DP
336	SEC-MC0302404	SEC-MC0302407	2/4/2008	Gallagher, Jr., Daniel M.	Uhlmann, Peter; Romero, Christy L.			Memorandum prepared for Director of Enforcement setting out chronology of HO-10576 investigation and actions of employee not involved in HO-10576. Includes disciplinary action discussion against employee, attached to SEC-MC0302403		WP	DP	PA
337	SEC-MC0302405	SEC-MC0302408	2/4/2008	Thomsen, Linda	Gallagher, Jr., Daniel M.			Email forwarding memorandum prepared for Director of Enforcement providing chronology of HO-10576 investigation and actions of attorney not involved in HO-10576		DP	WP	
338	SEC-MC0302409	SEC-MC0302412	2/4/2008	Thomsen, Linda	Gallagher, Jr., Daniel M.			Memorandum prepared for Director of Enforcement setting out chronology of HO-10576 investigation and actions of attorney not involved in HO-10576. Includes disciplinary action discussion against employee, attached to SEC-MC0302408		DP	PA	WP
339	SEC-MC0302413	SEC-MC0302413	2/4/2008	Thomsen, Linda	Gallagher, Jr., Daniel M.			Email string discussing and forwarding Memorandum prepared for Director of Enforcement setting out chronology of HO-10576 investigation and actions of attorney not involved in HO-10576. Includes disciplinary action discussion against employee	Riewa, Julie; Kaplan, Robert; Friestad, Scott; Riccardi, Walter			
340	SEC-MC0302414	SEC-MC0302417	2/4/2008	Thomsen, Linda	Gallagher, Jr., Daniel M.			Memorandum from Director of Enforcement setting out chronology of HO-10576 investigation and actions of attorney not involved in HO-10576 dated January 30, 2008. Includes disciplinary action discussion against employee, attached to SEC-MC0302413	Kaplan, Robert; Friestad, Scott; Riccardi, Walter		DP	PA, WP
341	SEC-MC0302418	SEC-MC0302418	2/4/2008	Thomsen, L.C.	Gallagher, D.M.	Friestad, S.W.		Email string forwarding Memorandum from Director of Enforcement setting out chronology of HO-10576 investigation and actions of attorney not involved in HO-10576		DP	PA	WP
342	SEC-MC0302419	SEC-MC0302422	2/4/2008	Friestad, S.W.	Thomsen, L.C.	Gallagher, D.M.		Internal memorandum discussing the chronology of HO-10576, dated February 4, 2008 prepared by S. Friestad, includes disciplinary action discussion against employee, attached to SEC-MC0302418		DP	PA	WP
346	SEC-MC0300123	SEC-MC0300123	2/6/2008	Kaplan, Robert	Reed, Matthew P.			Email transmitting internal memorandum regarding HO-10576 investigation and disciplinary action prepared by S. Friestad		DP	WP	
347	SEC-MC0300124	SEC-MC0300127	2/6/2008	Kaplan, Robert	Reed, Matthew P.			Memorandum on chronology of HO-10576, including discussion of disciplinary action against employee not involved in HO-10576, prepared by S. Friestad for L. Thomsen, attached to SEC-MC0300123		DP	PA	WP

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Index Number	SEC-PROD	ENVELOPE	DATE	FROM	TO	COPIES	OTHER NAME	SUBJECT	DP
370	SEC-MC0300722	SEC-MC0300722	2/11/2008	Riwe, Julie M.	Kaplan, Robert			Email transmitting draft press release to be issued when complaint filed in HO-10576	DP, WP
371	SEC-MC0300723	SEC-MC0300724	2/11/2008	Riwe, J.M.	Kaplan, R.B.			Draft press release to be issued when complaint filed in HO-10576 attached to SEC-MC0300722	DP, WP
381	SEC-MC0300288	SEC-MC0300294	4/7/2008	Supervisor	Supervisor			Draft internal report from Supervisor to Employee of employee not involved in HO-10576 investigation dated April 2008 regarding proposed employee action. Includes disciplinary action discussion against employees	DP, LE, PA
431	SEC-MC0300267	SEC-MC0300267	7/1/2008	Korosh, Stephen J.	Edmondson, Kevin J.		Friedstad, S.W.	Forwarding email from Friedstad containing comments about agency response to letter from Cuban's counsel in HO-10576 regarding inaction of filing of civil action against Mark Cuban in HO-10576, attached to SEC-MC0300756	DP, WP
441	SEC-MC0300766	SEC-MC0300767	10/24/2008	Riwe, Julie M.	Adelson, Adam S.			Action Memorandum regarding HO-10576, dated December 31, 2007, discussing law and evidence in support of recommendation	DP, AC, WP
442	SEC-MC0300020	SEC-MC0300032	10/27/2008	Riwe, J.M.; Friedstad, S.W.; Kaplan, R.B.; Chaudoin, D.T.	Office of Secretary/Commissioners; Commission Staff; Case Team			Email string discussing materials to be provided commissioners for November 13, 2008 executive session to discuss HO-10576	DP, AC, WP
443	SEC-MC03001507	SEC-MC03001507	10/27/2008	Friedstad, Scott	Harmon, Florence E.		Day, Carice; Williams, Ida		DP
444	SEC-MC0300282	SEC-MC0300284	10/27/2008	Williams, I.	Commissioners; Commissioners Staff		Riwe, Julie; Kaplan, Robert; O'Rourke, Kevin	December 31, 2007 Action Memorandum for HO-10576 setting out evidence and law in support of requested Commission action	DP, AC, WP
446	SEC-MC0300759	SEC-MC0300760	10/29/2008	Riwe, Julie M.	Kaplan, Robert			Draft press release for consideration by counsel, attached to SEC-MC0300755	DP, WP
449	SEC-MC0300754	SEC-MC0300754	10/30/2008	Riwe, Julie M.	Kaplan, Robert			Email transmitting drafts of press releases to be issued when complaint filed in HO-10576 for review and revision with specific questions from investigative counsel	DP, WP
450	SEC-MC0300755	SEC-MC0300755	10/30/2008	Riwe, Julie M.	Kaplan, Robert			Draft of press release to be issued when complaint filed in HO-10576 highlighting language to be considered by counsel, attached to SEC-MC0300754	DP, WP
451	SEC-MC0300757	SEC-MC0300757	10/30/2008	Riwe, Julie M.	Kaplan, Robert			Draft of litigation release to be issued when complaint filed in HO-10576 to be considered by supervisory counsel, attached to SEC-MC0300754	DP, WP
452	SEC-MC0300793	SEC-MC0300795	10/30/2008	Kaplan, Robert	Bond, Bradley J.			Email planning a meeting to discuss Cuban litigation	DP, WP
453	SEC-MC0300004	SEC-MC0300005	11/7/2008	Kaplan, Robert	Thomsen, Linda; Friedstad, Scott; Curtis, George; McKown, Joan		Burford, Charlotte; City, Nancy; McCann, Shirle	Email string with summary of recommendation for HO-10576 and note by R. Kaplan re: preparations for Commission Executive Session	DP, AC, WP
454	SEC-MC0300018	SEC-MC0300019	11/7/2008	Kaplan, Robert	Riwe, Julie M.			Email string forwarding summary of recommendation for HO-10576 in preparation for upcoming November 13, 2008 Commission Executive Session	DP, AC, WP
455	SEC-MC0300090	SEC-MC0300090	11/7/2008	Riwe, Julie M.	Kaplan, Robert; Chaudoin, Daniel T.; O'Rourke, Kevin; Adelson, Adam S.			Email transmitting hypothetical questions and draft answers to assist counsel in preparing for November 13, 2008 Commission Executive Session	DP, AC, WP

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NO.	DESCRIPTION	EXPNO	DATE	REQUEST	TO	COPIES	INTERNAL PARTICIPANTS	SUBJECT	DATE	STATUS
456	SEC-MC03000931	SEC-MC03000933	11/17/2008	Riwe, Julie M.	Kaplan, Robert; Chaudoin, Daniel T.; O'Rourke, Kevin; Aderton, Adam S.			Hypothetical questions and draft answers to assist counsel in preparing for November 13, 2008 Commission Executive Session HO-10576 attached to SEC-MC03000930	DP, AC, WP	
457	SEC-MC0300751	SEC-MC0300751	11/17/2008	Friestad, Scott	Kaplan, Robert		Riwe, Julie M.	Email string transmitting draft press release to be issued after complaint filed and discussing language of press release	DP, WP	
458	SEC-MC0300752	SEC-MC0300753	11/17/2008	Kaplan, Robert	Friestad, Scott; Riwe, J.M.			Draft of press release to be issued when complaint filed in HO-10576 including alternative language to be considered by counsel, attached to SEC-MC0300751	DP, WP	
459	SEC-MC03002495	SEC-MC0302495	11/17/2008	Kaplan, Robert	Thomsen, Linda; Friestad, Scott; Curtis, George; McKown, Joan		Riwe, Julie M.	Email string forwarding summary of HO-10576 and staff recommendation in preparation for November 13, 2008 Commission Executive Session	DP, AC, WP	
460	SEC-MC03002399	SEC-MC0302402	11/19/2008	Pisto, L.W.; Levine, R.A.	Bond, B.J.; Broadbent, C.L.; Burns, J.R.; Cohen, A.F.; Daigler, Mr. Day, J.D.; Davis, B.A.; Dimitrova, D.A.; Freeman, S.K.; Gallagher, M.K.; Jensen, D.L.; Jones, C.H.; Kaput, B.J.; Kimpel, S.H.; Martin, B.J.; May, Z.S.; Post, M.L.; Ramarathnam, S.S.; Rodrigues, C.; Romero, C.L.; Sheppard, L.; Uhlmann, P.; Vaughan, L.; Wheel, M.		Memorandum from the Office of General Counsel providing legal advice on Action Memorandum recommendation for HO-10576	DP, AC, WP		
462	SEC-MC0301499	SEC-MC0301499	11/11/2008	Friestad, Scott	Thomsen, Linda; McKown, Joan; Curtis, George			Email regarding Chairman's intent with respect to Commission Executive Session on November 13, 2008	DP, WP	
463	SEC-MC0300876	SEC-MC0300876	11/12/2008	Riwe, Julie M.	Kaplan, Robert			Email string forwarding legal decision and discussing transcripts of testimony in HO-10576	DP, WP	
464	SEC-MC0301159	SEC-MC0301159	11/12/2008	Friestad, Scott	McKown, Joan; Curtis, George		Kaplan, R.B.; Chaudoin, D.T.; Riwe, J.M.	Email forwarding comments from Office of General Counsel on HO-10576 and memorandum containing Office of General Counsel analysis of evidence and legal issues raised in HO-10576 prepared in anticipation of November 13, 2008 Commission Executive Session	DP, AC, WP	
465	SEC-MC0301159	SEC-MC0301162	11/12/2008	Levine, R.A.; Pisto, L.	Friestad, S.W.; Kaplan, R.B.; Chaudoin, D.T.; Riwe, J.M.; McKown, J.			Memorandum prepared by Office of General Counsel addressing legal and evidentiary issues in HO-10576 attached to SEC-MC0301222	DP, AC, WP	
466	SEC-MC0301223	SEC-MC0301226	11/12/2008	Levine, R.A.; Pisto, L.	O'Rourke, Kevin; Aderton, Adam S.; Riwe, J.M.			Email forwarding Memorandum prepared by Office of General Counsel addressing legal and evidentiary issues in HO-10576	DP, AC, WP	
467	SEC-MC0301227	SEC-MC0301227	11/12/2008	O'Rourke, Kevin	Melia, Lou			Memorandum prepared by Office of General Counsel addressing legal and evidentiary issues in HO-10576 attached to SEC-MC0301222	DP, WP	
468	SEC-MC0301228	SEC-MC0301231	11/12/2008	Levine, R.A.; Pisto, L.	O'Rourke, Kevin; Aderton, Adam S.; Riwe, J.M.		Melia, Lou	Internal memorandum prepared by the Office of General Counsel, providing legal advice to Commission to assist its decision-making on request for authorization to file civil suit against Mark Cuban in HO-10576, attached to SEC-MC0301222	DP, AC, WP	
470	SEC-MC0302468	SEC-MC0302472	11/12/2008	Levine, R.A.; Pisto, L.W.	Kaplan, R.B.		Thomsen, Linda; Friestad, Scott; Chaudoin, Robert; Riwe, Julie			

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Item Number	SEC PRODUCE	EXEMPTED FROM PRODUCTION	DATE	FROM	TO	OTHER EMAIL PARTICIPANTS	SUBJECT	Privilege
471	SEC-MC0300761, SEC-MC0300762		11/13/2008	Kaplan, Robert	Riwe, Julie M.	Friedstad, S.W.	Email siring discussing alternative approaches to presenting recommendation for bringing insider trading action in HO-10576 to Commission	DP, WP
472	SEC-MC0300763, SEC-MC0300763		11/13/2008	Riwe, Julie M.	Kaplan, Robert; Chaudoin, Daniel T.		Email discussion of question raised by Office of General Counsel to assist counsel in providing its evaluation to the Commission in HO-10576	DP, AC, WP
473	SEC-MC0300764, SEC-MC0300764		11/13/2008	Riwe, Julie M.	Kaplan, Robert		Draft summary presentation to the Commission in support of recommendation to file action in HO-10576 for review by counsel	DP, WP
474	SEC-MC0301485, SEC-MC0301485		11/13/2008	Riwe, Julie M.	Friedstad, Scott	Kaplan, Robert; Riwe, Julie; Kaplan, Robert; Friedstad, Scott	Email siring forwarding draft press release discussing proposed text of release in anticipation of filing civil action in HO-10576	DP, WP
475	SEC-MC0301486, SEC-MC0301487		11/13/2008	Riwe, Julie M.	Friedstad, Scott		Draft press release for HO-10576 attached to SEC-MC0301486	DP, WP
476	SEC-MC0301500, SEC-MC0301500		11/13/2008	Zelinsky, Yuri	Friedstad, Scott		Email forwarding status information regarding HO-09800 investigation and response thereto	DP, WP
477	SEC-MC0301492, SEC-MC0301492		11/14/2008	Friedstad, Scott	Nester, John J.; Callahan, Kevin J.; Heine, John D.	Riwe, Julie; Kaplan, Robert; Friedstad, Scott; Nester, John; Callahan, Kevin; Heine, John	Email discussing and forwarding revised press release and draft statement about Commission decision in authorizing filing of civil action against Mark Cuban in HO-10576	DP, WP
478	SEC-MC0301493, SEC-MC0301494		11/14/2008	Friedstad, Scott	Nester, John J.; Callahan, Kevin J.; Heine, John D.	Kaplan, Robert; Riwe, Julie M.	Draft press release for HO-10576 showing redlined revisions, attached to SEC-MC0301492	DP, WP
479	SEC-MC0301498, SEC-MC0301499		11/14/2008	Friedstad, Scott	McKown, Joan; Thomsen, Linda		Email siring discussing the topics for upcoming chairman's senior staff meeting, including HO-10576	DP
480	SEC-MC0300765, SEC-MC0300766		11/15/2008	Kaplan, Robert	Riwe, Julie M.; Friedstad, Scott		Email discussion among counsel about draft litigation release for HO-10576 and raising questions about draft to S.W. Friedstad	DP, WP
481	SEC-MC0300767, SEC-MC0300767		11/15/2008	Riwe, J.M.	Kaplan, B.B.; Friedstad, S.W.		Revised draft litigation release to be posted when complaint filed in HO-10576	DP, WP
482	SEC-MC0301488, SEC-MC0301488		11/17/2008	Friedstad, Scott	Kaplan, Robert; Riwe, Julie M.	Riwe, Julie; Kaplan, Robert; Friedstad, Scott; Nester, John; Callahan, Kevin; Heine, John	Email siring discussing and forwarding revised press release and draft statement about Commission decision in authorizing filing civil action against Mark Cuban in HO-10576	DP, WP
483	SEC-MC0301489, SEC-MC0301490		11/17/2008	Friedstad, Scott	Kaplan, Robert; Riwe, Julie M.	Riwe, Julie; Kaplan, Robert; Friedstad, Scott; Nester, John; Callahan, Kevin; Heine, John	Draft press release for HO-10576 showing redlined revisions, attached to SEC-MC0301488	DP, WP
484	SEC-MC0301491, SEC-MC0301491		11/17/2008	Friedstad, Scott	Kaplan, Robert; Riwe, Julie M.	Riwe, Julie; Kaplan, Robert; Friedstad, Scott; Nester, John; Callahan, Kevin; Heine, John	Draft statement about Commission decision in authorizing the filing of a civil action against Mark Cuban, attached to SEC-MC0301488	DP, WP
485	SEC-MC0301502, SEC-MC0301502		11/17/2008	Callahan, Kevin J.	Nester, John J.; Friedstad, Scott	Riwe, Julie; Kaplan, Robert; Friedstad, Scott; Nester, John; Callahan, Kevin; Heine, John	Revised draft litigation release to draft press release for use after insider trading action filed against Mark Cuban and discussing context for review of draft press release	DP

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Item Number	SEC RECORD NUMBER	DATE	FROM	TO	RECEIVED BY	OTHER EMAIL PARTICIPANTS	SUBJECT	REVIEWED
486	SEC-MC0302487 SEC-MC0302488	11/17/2008	Riewe, Julie M.	Gillette, Veronica L.; Atkins, Carlene; News Digest	Kaplan, Robert; Peterson, Jill M.; Callahan, Kevin J.; Heine, John D.; Nester, John J.; Friestad, Scott		Email forwarding SEC v. Cuban press releases with captioned press release and litigation release	DP, WP
487	SEC-MC0302489 SEC-MC0302489	11/17/2008	Riewe, Julie M.	Gillette, Veronica L.; Atkins, Carlene; News Digest	Kaplan, Robert; Peterson, Jill M.; Callahan, Kevin J.; Heine, John D.; Nester, John J.; Friestad, Scott		Draft press release prepared in anticipation of filing action in SEC v. Mark Cuban, attached to SEC-MC0302489	DP, WP
488	SEC-MC0302490 SEC-MC0302490	11/17/2008	Riewe, Julie M.	Gillette, Veronica L.; Atkins, Carlene; News Digest	Kaplan, Robert; Peterson, Jill M.; Callahan, Kevin J.; Heine, John D.; Nester, John J.; Friestad, Scott		Draft litigation release on SEC v. Mark Cuban attached to SEC-MC0302489	DP, WP
489	SEC-MC0302505 SEC-MC0302505	11/17/2008	Nester, John J.	Friestad, Scott	Callahan, Kevin J.; Heine, John D.	Kaplan, Robert; Riewe, Julie	Email string forwarding revisions to draft press releases for use upon filing of complaint in SEC v. Mark Cuban.	DP, WP
490	SEC-MC0302506 SEC-MC0302507	11/17/2008	Nester, John J.	Friestad, Scott	Callahan, Kevin J.; Heine, John D.	Kaplan, Robert; Riewe, Julie	Redlined revisions of J. Nester to press release in preparation for filing complaint in SEC v. Mark Cuban, attached to SEC-MC0302505	DP, WP
491	SEC-MC0302508 SEC-MC0302508	11/17/2008	Nester, John J.	Callahan, Kevin J.		Friestad, Scott; Kaplan, Robert; Riewe, Julie	Email string responding to redlined revisions to draft press release in preparation for filing complaint in SEC v. Mark Cuban	DP, WP
492	SEC-MC0302509 SEC-MC0302510	11/17/2008	Nester, John J.	Callahan, Kevin J.		Friestad, Scott; Kaplan, Robert; Riewe, Julie	Redlined revisions of J. Nester to press release in preparation for filing complaint in SEC v. Mark Cuban, attached to SEC-MC0302508	DP, WP
493	SEC-MC0302511 SEC-MC0302511	11/17/2008	Nester, John J.	Callahan, Kevin J.		Friestad, Scott; Kaplan, Robert; Riewe, Julie	Draft press statement prepared by J. Nester for responding to inquiries regarding actions of employee not involved in HO-10576 and Mark Cuban investigation, includes disciplinary action discussion against employee, attached to SEC-MC0302508	DP, PA, WP
494	SEC-MC0302581 SEC-MC0302583	11/17/2008	Jones, C.H.	Romero, Christy L.		Callahan, Kevin	Email forwarding and discussing press release for use upon filing of SEC v. Mark Cuban	DP, WP
495	SEC-MC0302589 SEC-MC0302589	11/17/2008	Callahan, Kevin J.	Nester, John J.; Friestad, Scott	Heine, John D.	Kaplan, Robert; Riewe, Julie	Email responding to draft press release for use upon filing of SEC v. Mark Cuban	DP, WP
496	SEC-MC0302571 SEC-MC0302571	11/17/2008	Weinstein, Andrew	Nester, John J.			Email string forwarding and responding to proposed statement for responding to press inquiries about Commission deliberation prior to filing civil complaint in SEC v. Mark Cuban	DP, WP
497	SEC-MC0302579 SEC-MC0302579	11/17/2008	Weinstein, Andrew	Uhlmann, Peter; Cohen, Alexander F.; Cartwright, Brian G.; Ruiz, Diego T.		Nester, John	Email forwarding draft response to press inquiries about Commission deliberation prior to filing civil complaint in SEC v. Mark Cuban	DP, WP
498	SEC-MC0302586 SEC-MC0302586	11/18/2008	Friestad, Scott	Nester, John J.; Mejia, Lou Mark A.			Email discussing possible response to Cuban blog posting forwarded by member of the press	DP, WP
500	SEC-MC0302587 SEC-MC0302587	11/18/2008	Mejia, Lou	Nester, John J.; Friestad, Scott; Kaplan, Robert; Adler, Mark A.			Email discussing possible response to Cuban blog posting forwarded by member of the press	DP, WP
502	SEC-MC0302581 SEC-MC0302583	11/21/2008	Thomsen, Linda	Enforcement Division nationwide		Thomsen, Linda; Staff in SEC Enforcement Division	Redacting information and internal discussion of SEC cases not responsive to pending discovery	DP, PA, WP

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Item #	SEC PRODUCE	DATE	FROM	TO	CC	OTHER EMAIL PARTICIPANTS	SUBJECT	PRIVILEGE
503	SEC-MC0300235	4/7/2009	Supervisor	Supervisor		Supervisor	Complaint of Exhibits to the draft Office Memorandum from Supervisor to employee re: Harlev, Paul, HO-10576 regarding proposed employee action, which is being forwarded to Supervisor, includes disciplinary action discussion against employee.	DP, LE, PA
504	SEC-MC0300648	8/12/2009	Turner, A.O.	Koch, Alexander			Redlined draft Investigation Closing Narrative for HO-09900, discussing investigation conducted, conclusions reached and satisfaction of internal compliance requirements.	DP, WP
505	SEC-MC0300613	8/14/2009	Turner, Alton O.	Koch, Alexander	Harlev, Paul		Email transmitting revised Closing Memorandum for HO-09900.	DP
507	SEC-MC0300609	8/19/2009	Turner, Alton O.	Zelinsky, Yuri	Harlev, Paul		Draft Investigation Closing Narrative for HO-09900.	DP, WP
508	SEC-MC0300610	8/19/2009	Turner, A.O.	Zelinsky, Y.	Harlev, Paul		Draft action memorandum presenting material facts, discussing legal issues and requesting the Commission to issue a formal order of investigation for HO-10576.	DP, WP, AC
512	SEC-MC0300355	2/20/2007	Riwe, J.M.	Kaplan, R.B.			Draft action memorandum presenting material facts, discussing legal issues and requesting the Commission to issue a formal order of investigation for HO-10576.	DP, AC, WP
513	SEC-MC0300374	2/20/2007	Riwe, J.M.	Kaplan, R.B.	Chaudoin, D.T.		Draft action memorandum presenting material facts, discussing legal issues and requesting the Commission to issue a formal order of investigation for HO-10576.	DP, AC, WP
514	SEC-MC0300360	3/20/2007	Riwe, J.M.	Kaplan, R.B.; Chaudoin, D.T.			Draft Action Memorandum to Commission presenting material facts, discussing legal issues and seeking formal order of investigation for HO-10576.	DP, AC, WP
516	SEC-MC0300614	8/20/2009	Turner, A.O.; Harlev, P.	Koch, Alexander	Harlev, P.		Draft (with redlines) Investigation Closing Narrative for HO-09900.	DP, WP, AC
517	SEC-MC0300617	8/20/2009	Turner, A.O.	Koch, Alexander	Harlev, P.		Draft (with redlines) Investigation Closing Narrative for HO-09900.	DP, AC, WP
518	SEC-MC0300621	8/20/2009	Turner, A.O.	Harlev, Paul			Draft Investigation Closing Narrative for HO-09900, discussing investigation conducted, conclusions reached and satisfaction of internal compliance requirements attached to SEC-MC0300620.	DP, AC, WP
520	SEC-MC0300950		ORourke, Kevin	Kaplan, Robert; Riwe, Julie M.			Additional discussion to be included in draft Action Memorandum for HO-10576 discussing legal strategy and evidentiary issues.	DP, AC, WP
522		3/12/2007	Walker, Dick; Culler, Steve	SEC Enforcement Division			New Division Policy on Confirmation of Wells Notices -- Privileged & Confidential -- updated March 1, 2007.	DP, AC, WP
525	SEC-MC0301574	8/19/2007	Friedland, Scott	Supervisor			Emails discussing issue raised by counsel for Cuban and potential impact on future litigation, attaching SEC-MC0301568-73.	DP, WP

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Hard Copy Log

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INDEX NUMBER	BEGPROD	ENDPROD	DATE	AUTHOR	RECIPIENT	CC:	DESCRIPTION OF DOCUMENT/REDACTION	PRIVILEGE	REDACTION
2	SEC-MC0200949	SEC-MC0200984	2007.02.27	Friestad, S.W.; Kaplan, R.B.; Chaudoin, D.T.; Riewe, J.M.	SEC Commissioners		Action Memorandum requesting Commission to issue a formal order of investigation in HO-10576 with investigative counsel's analysis of relevant facts and legal issues	DP, AC, WP	
3	SEC-MC0201769	SEC-MC0201774	2007.02.27	Kaplan, R.B.; Friestad, S.W.; Chaudoin, D.T.; Riewe, J.M.	File		Draft of the Action Memorandum for HO-10576 seeking formal order of private investigation containing analysis of evidence and law with handwritten notes of R.B. Kaplan reflecting strategy	DP, AC, WP	
9	SEC-MC0200442	SEC-MC0200443 (duplicate at SEC-MC0200904-05)	2007.03.12	Friestad, S.W.; Kaplan, R.B.; Chaudoin, D.T.; Riewe, J.M.; Cullen, L.	Cullen, L.		Draft Commission Order Directing Private Investigation and Designating Officers to Take Testimony for HO-10576 setting forth legal and factual basis for undertaking formal investigation with handwritten comments of Linda Cullen	DP, AC, WP	
15	SEC-MC0200430	SEC-MC0200441	2007.06.28	Friestad, S.W.; Kaplan, R.B.; Chaudoin, D.T.; Riewe, J.M.	Friestad, S.W.; Kaplan, R.B.; Chaudoin, D.T.; Riewe, J.M.		Draft Action Memorandum for HO-10576 requesting Commission decision and providing legal staff's analysis of the facts and law and requesting Commission action	DP, AC, WP	
16	SEC-MC0200892	SEC-MC0200903	2007.06.28	Friestad, S.W.; Kaplan, R.B.; Chaudoin, D.T.; Riewe, J.M.	Investigative Team		Draft Action Memorandum for HO-10576 requesting Commission decision and providing legal staff's analysis of the facts and law	DP, AC, WP	
21	SEC-MC0200253	SEC-MC0200257 (duplicates at SEC-MC0200258-62, SEC-MC0200263-67)	2007.07.18	Friestad, S.W.; Kaplan, R.B.; Chaudoin, D.T.; Riewe, J.M.	Thomsen, L.C.		Memorandum discussing response to factual and legal arguments set forth in Wells submission in preparation for meeting with counsel for Mark Cuban in HO-10576	DP, WP	
22	SEC-MC0200806	SEC-MC0200810	2007.07.18	Friestad, S.W.; Kaplan, R.B.; Chaudoin, D.T.; Riewe, J.M.	Thomsen, L.C.		Memorandum summarizing Mark Cuban Wells submission and legal staff response to the legal and factual arguments set forth in the submission for meeting with counsel for Mark Cuban. [Duplicate of SEC-MC0100359 - SEC-MC0100363]	DP, WP	

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INDEX NUMBER	BEGPROD	ENDPROD	DATE	AUTHOR	RECIPIENT	CC:	DESCRIPTION OF DOCUMENT/REDACTION	PRIVILEGE	REDACTION
23	SEC-MC0200811	SEC-MC0200815	2007.07.18	Friedstad, S.W.; Kaplan, R.B.; Chaudoin, D.T.; Riewe, J.M.	Thomsen, L.C.		Memorandum summarizing Mark Cuban Wells submission and legal staff response to the legal and factual arguments set forth in the submission for meeting with counsel for Mark Cuban in HO-10576 [Duplicate of SEC-MC0100359-SEC-MC0100363]	DP, WP	
24	SEC-MC0200816	SEC-MC0200820	2007.07.18	Friedstad, S.W.; Kaplan, R.B.; Chaudoin, D.T.; Riewe, J.M.	Thomsen, L.C.		Memorandum summarizing Mark Cuban Wells submission and legal staff response to the legal and factual arguments set forth in the submission for meeting with counsel for Mark Cuban in HO-10576 [Duplicate of SEC-MC0100359-SEC-MC0100363]	DP, WP	
25	SEC-MC0200821	SEC-MC0200825	2007.07.18	Friedstad, S.W.; Kaplan, R.B.; Chaudoin, D.T.; Riewe, J.M.	Thomsen, L.C.		Memorandum summarizing Mark Cuban Wells submission and legal staff response to the legal and factual arguments set forth in the submission for meeting with counsel for Mark Cuban in HO-10576 [Duplicate of SEC-MC0100359-SEC-MC0100363]	DP, WP	
27	SEC-MC0201818	SEC-MC0201823	2007.07.18	Friedstad, S.W.; Kaplan, R.B.; Chaudoin, D.T.; Riewe, J.M.	Thomsen, L.C.		Memorandum summarizing May 23, 2007 Wells Call in HO 10576 and investigative team's response with handwritten notes of S.W. Friedstad reflecting meeting with Paul Coggins on July 19, 2007	DP, WP	
47	SEC-MC0200416	SEC-MC0200429 (duplicate at SEC-MC0200878-91)	2007.10.15	Friedstad, S.W.; Kaplan, R.B.; Chaudoin, D.T.; Riewe, J.M.; O'Rourke, K.P.	Friedstad, S.W.; Kaplan, R.B.; Chaudoin, D.T.; Riewe, J.M.		Handwritten comments and edits of S.W. Friedstad on draft Action Memorandum for HO-10576 requesting Commission decision and providing legal staff's analysis of the facts and law	DP, AC, WP	
48	SEC-MC0201790	SEC-MC0201803	2007.10.15	Friedstad, S.W.; Kaplan, R.B.; Chaudoin, D.T.; Riewe, J.M.; O'Rourke, K.P.	File and HO 10576 team		Draft Action Memorandum for HO-10576 containing analysis of law and evidence with edits from S.W. Friedstad	DP, AC, WP	
49	SEC-MC0200410	SEC-MC0200415 (duplicate at SEC-MC0200872-77)	2007.11.01	Friedstad, S.W.; Kaplan, R.B.; Chaudoin, D.T.; Riewe, J.M.; O'Rourke, K.P.	Friedstad, S.W.; Kaplan, R.B.; Chaudoin, D.T.; Riewe, J.M.		Handwritten comments and edits of K.P. O'Rourke on draft Action Memorandum for HO-10576 requesting Commission decision and providing legal staff's analysis of the facts and law	DP, AC, WP	

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50	SEC-MC0201804	SEC-MC0201817	2007.11.13	HO-10576 Case Team Friestad, S.W.; Kaplan, R.B.; Chaudoin, D.T.; Riewe, J.M.; O'Rourke, K.P.	File and HO 10576 team		Draft of Action Memorandum for HO-10576 containing analysis of the evidence and the law with handwritten edits of S.W. Friestad	DP, AC, WP
51	SEC-MC0200394	SEC-MC0200409	2007.11.21	Friestad, S.W.; Kaplan, R.B.; Chaudoin, D.T.; Riewe, J.M.; O'Rourke, K.P.	Case Team		Draft Action Memorandum for HO-10576 requesting Commission decision and providing legal staff's analysis of the facts and law with handwritten comments of S.W. Friestad and J.M. Riewe	DP, AC, WP
52	SEC-MC0200858	SEC-MC0200871	2007.11.21	Friestad, S.W.; Kaplan, R.B.; Chaudoin, D.T.; Riewe, J.M.; O'Rourke, K.P.	Case Team		Draft Action Memorandum for HO-10576 requesting Commission decision and providing legal staff's analysis of the facts and law with handwritten comments of S.W. Friestad	DP, AC, WP
53	SEC-MC0201777	SEC-MC0201789	2007.12.31	Friestad, S.W.	File		Handwritten notes of S.W. Friestad on Action Memorandum for HO-10576 reflecting his thoughts for discussion with the Commission.	DP, AC, WP
54	SEC-MC0200242	SEC-MC0200245	2008.01.00	Riewe, J.M.	Case Team		Outline of legal and factual issues to discuss with Commissioners' Legal Assistants on January 22, 2008 in HO-10576 with handwritten notes of J.M. Riewe	DP, AC, WP
55	SEC-MC0200246	SEC-MC0200249	2008.01.00	Riewe, J.M.	Case Team		Outline of legal and factual issues to discuss with Commissioners' Legal Assistants on January 22, 2008 in HO-10576	DP, AC, WP
56	SEC-MC0200796	SEC-MC0200799	2008.01.00	Friestad, S.W.; Kaplan, R.B.; Chaudoin, D.T.; Riewe, J.M.; O'Rourke, K.P.	Case Team		Draft Talking Points for anticipated January 22, 2008 Meeting with Commissioners' Legal Assistant in HO-10576 setting forth counsels' analysis of the relevant facts and law with handwritten notes and edits of J.M. Riewe	DP, AC, WP
57	SEC-MC0200800	SEC-MC0200803	2008.01.00	Riewe, J.M.	Case Team		Draft Talking Points for anticipated January 22, 2008 Meeting with Commissioners' Legal Assistants in HO-10576 setting forth counsels' analysis of the relevant facts and law	DP, AC, WP
60	SEC-MC0201764	SEC-MC0201766	2008.01.00	Kaplan, R.B.	File		Draft of memorandum from Linda C. Thomsen to Christopher Cox outlining the chronology of the HO-10576 with handwritten edits of R.B. Kaplan	DP, AC, WP

AC = Attorney/Client Privilege, DP = Deliberative Process, LE = Law Enforcement Privilege, PA = Privacy Act Protection, WP = Work Product Protection

SEC v. Cuban 04-19-2010 Production - Hard Copy DP Privilege Log

INDEX NUMBER	BEGPROD	ENDPROD	DATE	AUTHOR	RECIPIENT	CC:	DESCRIPTION OF DOCUMENT/REDACTION	PRIVILEGE	REDACTION
63	SEC-MC0201606	SEC-MC0201608	2008.01.31	Levine, R.; Pistow, L.	Case Team		Memorandum prepared by counsel in the Office of General Counsel addressing issues to be considered by Commissioners in conjunction with Action Memorandum for HO-10576	DP, AC, WP	
65	SEC-MC0201702	SEC-MC0201706	2008.06.30	Supervisors	SEC Manager		Counsel's memorandum re: proposed employee action with respect to employee not involved in HO-10576, includes disciplinary action discussion against employee	DP, PA, WP	
66	SEC-MC0201707	SEC-MC0201711	2008.07.01	Supervisors	File		Counsel's draft memorandum re: employee action with respect to employee not involved in HO-10576, includes disciplinary action discussion against employee	DP, PA, WP	
67	SEC-MC0201712	SEC-MC0201715	2008.10.00	Supervisors	File		Counsel's draft Letter of Suspension/Termination with respect to employee not involved in HO-10576, includes disciplinary action discussion against employee	DP, PA	
69	SEC-MC0200250	SEC-MC0200252	2008.11.00	Riewe, J.M.	Case Team		Draft Talking Points for November 13, 2008 meeting with the Commissioners to discuss staff recommendation for HO-10576	DP, AC, WP	
71	SEC-MC0201609	SEC-MC0201612	2008.11.12	Levine, R.; Pistow, L.	Commissioners and Staff; HO-10576 Case Team		OFFICIAL COMMISSION RECORD HO-10576 -- Memorandum prepared by counsel in the Office of General Counsel addressing issues to be considered by Commissioners in conjunction with Action Memorandum	DP, AC, WP	
72	SEC-MC0200305	SEC-MC0200308	2008.11.13	Levine, R.; Pisto, L.	Commissioners and Staff		Memorandum prepared by attorneys in Commission's Office of General Counsel addressing legal and factual issues raised in Action Memo for HO-10576 with handwritten notes of J.M. Riewe	DP, AC, WP	
73	SEC-MC0200987	SEC-MC0201602	2008.11.13	Friedstad, S.W.; Kaplan, R.B.; Chaudoin, D.T.; Riewe, J.M.; ORourke, K.P.	SEC Commissioners		OFFICIAL COMMISSION RECORD HO-10576 -- Action Memorandum requesting Commission to authorize filing a civil action in HO-10576 with investigative and litigation counsel's analysis of relevant facts and legal issues with Secretary's Notations of Agency Action taken on November 13, 2008 with Official Commission File, including Wells Submission of June 29, 2007, Wells Submission of September 21, 2007 (and exhibits thereto), R.C. Ferrara September 21, 2007 letter to S.W. Friedstad (and exhibits attached thereto), and S.W. Friedstad letter of September 24, 2007 to R. C. Ferrara.	DP, AC, WP	

AC = Attorney/Client Privilege, DP = Deliberative Process, LE = Law Enforcement Privilege, PA = Privacy Act Protection, WP = Work Product Protection

SEC v. Cuban 04-19-2010 Production - Hard Copy DP Privilege Log

INDEX NUMBER	BEGPROD	ENDPROD	DATE	AUTHOR	RECIPIENT	CC:	DESCRIPTION OF DOCUMENT/REDACTION	PRIVILEGE	REDACTION
74			2008.11.13	Commission Executive Session	Commissioners, Senior Staff, Members of Investigative team and Senior Enforcement Staff		Tape recording of Closed Executive Meeting of Commissioners to consider Action Memorandum in HO-10576 requesting authorization to bring civil action against Mark Cuban for insider trading	DP, AC, WP	
75	SEC-MC0200985	SEC-MC0200986	2008.11.13	Taylor, J.L.; Kimps, M.M.	Official Commission Files		Minutes of substantive discussion among Commissioners during Executive Session November 13, 2008 discussing whether to authorize filing a civil suit against Mark Cuban HO-10576	DP, AC, WP	Yes
76	SEC-MC0201619	SEC-MC0201697	2009.01.00	Supervisor	Co-supervisors		Attachments to draft proposed employee discipline regarding employee not involved in HO-10576, includes disciplinary action discussion against employee and discussions of Commission investigations, attached to SEC-MC0201613	DP, PA, WP	
77	SEC-MC0201613	SEC-MC0201618	2009.01.00	Supervisor	Co-supervisors		Draft memorandum regarding discipline of employee not involved in HO-10576 (with exhibits, some of which contain discussions of Commission investigations)	DP, PA, WP	

AC = Attorney/Client Privilege, DP = Deliberative Process, LE = Law Enforcement Privilege, PA = Privacy Act Protection, WP = Work Product Protection

Exhibit A-4

SEC Privilege Log:

Law Enforcement Privilege

Electronic Log

AC = Attorney/Client Privilege, DP = Deliberative Process, LE = Law Enforcement Privilege, PA = Privacy Act Protection, WP = Work Product Protection

Exhibit A-5

SEC Privilege Log:

Privacy Act

Electronic Log

AC = Attorney/Client Privilege, DP = Deliberative Process, LE = Law Enforcement Privilege, PA = Privacy Act Protection, WP = Work Product Protection

SEC v. Cuban 04-18-2010 Production - Electronic Document PA Privilege Log

Case No.	SEC No.	Date	From	To	Subject	PA	DP	WP
281	SEC-MC0300017	1/25/2008	Friedstad, Scott	Read, Matthew P.; Kaplan, Robert; Riello, Julie M.	Notice from Office of Secretary pulling HO-10576 from Commission calendar for January 31, 2008, with cover note for S. Friedstad, including discussion of disciplinary action against employee.	PA	DP	WP
282	SEC-MC0300085	1/25/2008	Friedstad, Scott	Thomsen, Linda; Ricciardi, Walter	Email discussion of disciplinary action against employee, including chronology of HO-10576 investigation, including discussion of disciplinary action against employee.	PA	DP	WP
283	SEC-MC0300085	1/25/2008	Friedstad, Scott	Thomsen, Linda; Ricciardi, Walter	Memorandum discussing chronology of Mamma.com investigation, including discussion of disciplinary action against employee, attached to SEC-MC0300085.	PA	DP	WP
288	SEC-MC0301164	1/25/2008		Thomsen, Linda; Ricciardi, Walter	Draft chronology of the HO-10576 investigation and attorney communications with Mark Cuban, including discussion of disciplinary action against employee, attached to SEC-MC0301163.	PA	DP	WP
289	SEC-MC0301168	1/25/2008	Korotash, Stephen J.	Friedstad, Scott	Chronology of the HO-10576 investigation and attorney communications with Mark Cuban, including discussion of disciplinary action against employee, attached to SEC-MC0301163.	PA	DP	WP
291	SEC-MC0301565	1/25/2008	Ricciardi, Walter	Friedstad, Scott; Thomsen, Linda	Email forwarding draft chronology of HO-10576 investigation, including discussion of disciplinary action of employee not involved in HO-10576.	PA	DP	WP
292	SEC-MC0302423	1/25/2008	Ricciardi, Walter	Gallagher, Jr., Daniel M.	Email forwarding memorandum prepared for Director of Enforcement providing chronology of HO-10576 investigation and actions of attorney not involved in HO-10576, includes disciplinary action discussion against employee.	PA	DP	WP
293	SEC-MC0302424	1/25/2008	Ricciardi, Walter	Gallagher, Jr., Daniel M.	Draft memorandum prepared for Director of Enforcement setting out chronology of HO-10576 investigation and actions of attorney not involved in HO-10576, includes disciplinary action discussion against employee, attached to SEC-MC0302423.	PA	DP	WP
294	SEC-MC0302459	1/25/2008	Friedstad, Scott	Thomsen, Linda; Ricciardi, Walter	Email forwarding draft memorandum prepared for Director of Enforcement providing chronology of HO-10576 investigation and actions of attorney not involved in HO-10576, includes disciplinary action discussion against employee.	PA	DP	WP
295	SEC-MC0302460	1/24/2008	Friedstad, Scott	Thomsen, Linda; Ricciardi, Walter	Draft memorandum prepared for Director of Enforcement to send to Chairman Cox providing chronology of HO-10576 investigation and actions of attorney not involved in HO-10576, includes disciplinary action discussion against employee, attached to SEC-MC0302459.	PA	DP	WP
301	SEC-MC0301163	1/30/2008	Friedstad, Scott	Korotash, Stephen J.; Thomsen, L.C.; Ricciardi, W.	Emails forwarding draft chronology of the HO-10576 investigation, including discussion of disciplinary action against employee, with comments of counsel for additional information to be provided.	PA	DP	WP

AQ = Attorney/Client Privilege, DP = Deliberative Process, LE = Law Enforcement Privilege, PA = Privacy Act Protection, WP = Work Product Protection

Number	DATE RECEIVED	FROM	TO	CC	INTERVIEW SUBJECTS	FILE
302	SEC-MC0301167	1/30/2008	Kordtash, Stephen J.	Friestad, Scott	Email transmitting revised draft chronology of the HO-10576 investigation and attorney communications with Mark Cuban, including discussion of disciplinary action against employee.	PA, DP, WP
305	SEC-MC0300089	1/31/2008	Friestad, Scott	Thomsen, Linda ; Ricciardi, Walter	Email discussing and transmitting revised draft chronology of HO-10576 investigation and potential disciplinary action against employee	PA, DP, WP
316	SEC-MC0301495	1/31/2008	Friestad, Scott	Kaplan, Robert	Email string forwarding revised chronology of HO-10576 investigation and actions of employee not involved in HO-10576, including references to disciplinary action.	PA, DP, WP
317	SEC-MC0301501	1/31/2008	Thomsen, Linda	Friestad, Scott	Email string attaching chronology of HO-10576 investigation, actions of employee not involved in that investigation, including discussion of disciplinary action against employee, and discussing timing of Commission consideration of Action Memorandum	PA, DP, WP
318	SEC-MC0301566	1/31/2008	Ricciardi, Walter	Friestad, Scott ; Thomsen, Linda	Chronology of HO-10576 investigation and disciplinary action of staff attorney not involved in HO-10576	PA, WP
320	SEC-MC0302463	1/31/2008	Friestad, Scott	Thomsen, Linda ; Ricciardi, Walter	Email discussing and transmitting revised memorandum prepared for Director of Enforcement setting out chronology of HO-10576 investigation and actions of attorney not involved in HO-10576	PA, DP, WP
321	SEC-MC0302464	1/31/2008	Friestad, Scott	Thomsen, Linda ; Ricciardi, Walter	Draft memorandum prepared for Director of Enforcement to send to Chairman Cox providing chronology of HO-10576 investigation and actions of attorney not involved in HO-10576, includes disciplinary action discussion against employee, attached to SEC-MC0302463	PA, DP, WP
335	SEC-MC0302403	2/4/2008	Gallagher, Jr., Daniel M.	Uhlmann, Peter, Romero, Christy L.	Email forwarding memorandum prepared for Director of Enforcement providing chronologies of HO-10576 investigation and actions of attorney not involved in HO-10576	PA, DP, WP
336	SEC-MC0302404	2/4/2008	Gallagher, Jr., Daniel M.	Uhlmann, Peter, Romero, Christy L.	Memorandum prepared for Director of Enforcement setting out chronology of HO-10576 investigation and actions of employee not involved in HO-10576, includes disciplinary action discussion against employee, attached to SEC-MC0302403.	PA, DP, WP
338	SEC-MC0302409	2/4/2008	Thomsen, Linda	Gallagher, Jr., Daniel M.	Memorandum prepared for Director of Enforcement setting out chronology of HO-10576 investigation and actions of attorney not involved in HO-10576, includes disciplinary action discussion against employee, attached to SEC-MC0302409	PA, DP, WP
339	SEC-MC0302413	2/4/2008	Thomsen, Linda	Gallagher, Jr., Daniel M.	Email string discussing and forwarding memorandum prepared for Director of Enforcement setting out chronology of HO-10576 investigation and actions of attorney not involved in HO-10576, includes disciplinary action discussion against employee, attached to SEC-MC0302413	PA, DP, WP

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SEC v. Cuban 04-19-2010 Production - Electronic Document PA Privilege Log

LINE	DATE	TO	FROM	ATTORNEY	OC	OTHER EMAIL PARTICIPANTS	SUBJECT	PROLIER	REDACTED
340	SEC-MC0302414	SEC-MC0302417	2/4/2008	Thomsen, Linda	Gallagher, Jr., Daniel M.		Memorandum from Director of Enforcement setting out chronology of HO-10576 investigation and actions of attorney not involved in HO-10576 dated January 30, 2008, includes disciplinary action discussion against employee, attached to SEC-MC0302415	PA, DP, WP	
341	SEC-MC0302418	SEC-MC0302418	2/4/2008	Thomsen, L.C.	Gallagher, D.M.	Friedstad, S.W.	Email string forwarding Memorandum from Director of Enforcement setting out chronology of HO-10576 investigation and actions of attorney not involved in HO-10576	PA, DP, WP	
342	SEC-MC0302419	SEC-MC0302422	2/4/2008	Friedstad, S.W.	Thomsen, L.C.	Gallagher, D.M.	Internal memorandum discussing the chronology of HO-10576, dated February 4, 2008 prepared by S. Friedstad, includes disciplinary action discussion against employee, attached to SEC-MC0302418	PA, DP, WP	
347	SEC-MC0302424	SEC-MC0302427	2/6/2008	Keplan, Robert	Reed, Matthew P.		February 4, 2008 version of memorandum on chronology of HO-10576, including discussion of disciplinary action against employee not involved in HO-10576, prepared by SEC-MC0302418, attached to SEC-MC0302423	PA, DP, WP	
381	SEC-MC0302288	SEC-MC0302294	4/7/2008	Supervisor	Supervisor		Draft internal report from Supervisor to Employee of employee not involved in HO-10576 investigation dated April 2008 regarding proposed employee action, includes disciplinary action discussion against employee	PA, DP, LE	
420	SEC-MC0301561	SEC-MC0301562	5/16/2008	O'Rourke, Kevin	Adler, Mark A.		Email string on handling of litigation hold notice sent to employee, including discussion of disciplinary action against employee	PA, WP	
421	SEC-MC0302284	SEC-MC0302284	5/16/2008	Supervisor	Casa counsel	Supervisors	Email to counsel handling HO-10576 regarding conduct of employee not involved in HO-10576 investigation, includes disciplinary action discussion against employee	PA	
432	SEC-MC0302220	SEC-MC0302285	7/7/2008	Supervisor	Supervisors		Internal report with attachments regarding conduct of employee not involved in HO-10576 investigation, includes disciplinary action discussion against employee	PA, WP	
433	SEC-MC0302266	SEC-MC0302266	7/7/2008	Supervisor	Supervisors		Email regarding telephone conversation with trial counsel handling HO-10576 regarding conduct of employee not involved in HO-10576 investigation, includes disciplinary action discussion against employee	PA, WP	
434	SEC-MC0302219	SEC-MC0302219	7/8/2008	Supervisor	Senior Enforcement Officer	Supervisors	Email attaching internal report dated 7/7/2008 regarding conduct of employee not involved in HO-10576 investigation, includes disciplinary action discussion against employee	PA	
435	SEC-MC0301514	SEC-MC0301514	7/17/2008	Supervisor	O'Rourke, Kevin		Email string attaching memorandum describing handling of litigation hold notice sent to employee in Regional Office, including discussion of disciplinary action against employee	PA, WP	
436	SEC-MC0301515	SEC-MC0301560	7/17/2008	Supervisor	O'Rourke, Kevin		Memorandum (with exhibits) describing handling of litigation hold notice for HO-10576 sent to employee, including discussion of disciplinary action against employee, attached to SEC-MC0301514	PA, WP	

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SEC v. Cuban 04-19-2010 Production - Electronic Document PA Privilege Log

LINE#	KEYWORD	EXEMPT	DATE	FROM	TO	OTHER PARTICIPANTS	SUBJECT	PA	DP	WP
493	SEC-MC0302811	SEC-MC0302811	11/17/2008	Nester, John J.	Callahan, Kevin J.	Friedland, Scott; Kerian, Robert; Rieve, Julie	Draft press statement prepared by J. Nester for responding to inquiries regarding actions of employee not involved in HO-10376 and Mark Cuban. Includes disciplinary action discussion and employee, attached to SEC-MC0302808.	PA	DP	WP
502	SEC-MC0302891	SEC-MC0302898	11/21/2008	Thomsen, Linda	Enforcement Division nationwide	Thomsen, Linda; Staff in SEC Enforcement Division	Redacting information and internal discussion of SEC cases not responsive to pending discovery. Compilation of Exhibits to the draft Office Memorandum from Supervisor to employee not involved in HO-10376 investigation dated April 2009 regarding proposed employee action, which is being forwarded to Supervisor. Includes disciplinary action discussion against employee.	PA	DP	WP
503	SEC-MC0302895	SEC-MC0303374	4/7/2009	Supervisor	Supervisor	Supervisor	Email from former SEC employee to SEC Solicitor and Associate General Counsel providing information with respect to communication with Mark Cuban, with reference disciplinary action	PA	DP	LE
509	SEC-MC0302209	SEC-MC0302216	10/6/2009	Norris, J.	Humes, Richard M.; Stillman, Jacob H.	Korolash, Stephen J.; Tyler, N. Ellen				Yes

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Hard Copy Log

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SEC v. Cuban 04-19-2010 Production - Hard Copy PA Privilege Log

INDEX NUMBER	BEGPROD	ENDPROD	DATE	AUTHOR	RECIPIENT	CC:	DESCRIPTION OF DOCUMENT/REDACTION	PRIVILEGE	REDACTION
35	SEC-MC0200366	SEC-MC0200371	2007.08.22	Friestad, S.W.	Ruiz, D.T.		Passport and frequent flier numbers protected by Privacy Act; Identity of interviewees in HO-10576 protected by work product	PA, WP	Yes
64	SEC-MC0201698	SEC-MC0201701	2008.06.18	OIG Attorney	Supervisor		Draft memorandum regarding discipline of employee not involved in HO-10576, with handwritten notes	PA	
65	SEC-MC0201702	SEC-MC0201706	2008.06.30	Supervisors	SEC Manager		Counsel's memorandum re: proposed employee action with respect to employee not involved in HO-10576, includes disciplinary action discussion against employee	PA, DP, WP	
66	SEC-MC0201707	SEC-MC0201711	2008.07.01	Supervisors	File		Counsel's draft memorandum re: employee action with respect to employee not involved in HO-10576, includes disciplinary action discussion against employee	PA, DP, WP	
67	SEC-MC0201712	SEC-MC0201715	2008.10.00	Supervisors	File		Counsel's draft Letter of Suspension/Termination with respect to employee not involved in HO-10576, includes disciplinary action discussion against employee	PA, DP	
76	SEC-MC0201619	SEC-MC0201697	2009.01.00	Supervisor	Co-supervisors		Attachments to draft proposed employee discipline regarding employee not involved in HO-10576, includes disciplinary action discussion against employee and discussions of Commission investigations, attached to SEC-MC0201613	PA, DP, WP	
77	SEC-MC0201613	SEC-MC0201618	2009.01.00	Supervisor	Co-supervisors		Draft memorandum regarding discipline of employee not involved in HO-10576 (with exhibits, some of which contain discussions of Commission investigations)	PA, DP, WP	

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Exhibit A-6

Privilege Log:

SEC Glossary of Names

Mark Cuban EAJA Privilege Log - Glossary of Names		
Name		Position
Aderton, Adam		Staff Attorney, Division of Enforcement
Adler, Mark		Deputy Chief Litigation Counsel, Division of Enforcement
Aguilar, Luis		SEC Commissioner
Akins, Carline M.		Writer-Editor, Office of Public Affairs
Arevalo, Alberto		Assistant Director/Attorney, Office of Assistant Director, Enforcement - Office of International Affairs
Balducchi, Deborah K.		EEO Director, Office of Equal Employment Opportunity
Beatty, John T.		Staff Attorney, Office of International Affairs
Bondi, Bradley J.		Legal Assistant/Counsel to Commissioner Paredes
Brennan, Blaise F.		Legal Assistant/Counsel to Commissioner Aguilar
Bresnan, Peter H.		Deputy Director/Attorney, Division of Enforcement
Broadbent, Christian		Legal Assistant/Counsel to Commissioner Walter
Brockmeyer, Kara N.		Assistant Director/Attorney, Division of Enforcement
Buford, Charlotte L.		Assistant Chief Counsel, Office of Chief Counsel, Division of Enforcement
Burns, James R.		Legal Assistant/Counsel to Commissioner Casey
Calande, Pauline		Counsel to the Director and Deputy Directors, Division of Enforcement
Callahan, Kevin J.		Media Advisor, Office of Public Affairs
Cartwright, Brian G.		Office of General Counsel
Casey, Kathleen L.		SEC Commissioner
Chaudoin, Daniel T.		Assistant Director/Attorney, Division of Enforcement
Chion, Antonia		Associate Director/Attorney, Division of Enforcement
Christ, Mary		Division of Trading and Markets
Clarkson, James A.		Regional Officer Director, Division of Enforcement
Coe, Michael		Legal Assistant/Counsel to Commissioner Aguilar
Cohen, Alexander F.		Office of Chairman Cox
Cohen, Stephen		Legal Assistant/Senior Advisor to the Chairman
Cox, Christopher		Chairman
Curtis, George		Deputy Director, Division of Enforcement
Daigler, Matthew A.		Division of Trading and Markets
Daly, Justin D.		Legal Assistant/Counsel to Commissioner Casey
Davis, Bettie		Confidential Assistant to Commissioner Casey
Day, Carnice		Division of Enforcement
Delfin, Ricardo		Legal Assistant/Special Counsel to the Chairman
DeVine, Stephen W.		Legal Assistant/Senior Advisor to the Chairman
Dimitrious, David R.		Office of Chairman Cox
Doty, Nancy		Assistant Chief Counsel, Division of Enforcement
Eastman, James L.		Associate Director/Chief Counsel, Division of Trading and Markets
Edgar, David		Staff Accountant, Division of Corporation Finance
Edmundson, James K.		Assistant Regional Director, Division of Enforcement (Ft. Worth Regional Office)
Faragasso, Gregory G.		Assistant Director, Division of Enforcement
Freeman, Sharon K.		Office of the Chairman/Commissioners
Friestad, Scott W.		Associate Director, Division of Enforcement
Frohlich, David		Assistant Director, Division of Enforcement
Gallagher, Dan Jr.		Office of Chairman Cox

Mark Cuban EAJA Privilege Log - Glossary of Names		
Name		Position
Gallagher, Mary K.		Confidential Assistant to Commissioner Walter
Galloway, Toby M.		Trial Counsel, Division of Enforcement (Ft. Worth Regional Office)
Gillette, Veronica L.		Administrative Contact, Office of the Secretary
Griffin, Alvonya		Office of the Secretary
Halloran, Michael J.		Deputy Chief of Staff/Counselor to Chairman Cox
Harley, Paul		Chief Accountant, Office of Chief Accountant, Division of Enforcement
Harmon, Florence E.		Deputy Secretary, Office of the Secretary
Heine, John D.		Deputy Director, Office of Public Affairs
Hotmire, Erik J.		Staff Attorney, Division of Enforcement; Senior Advisor/Attorney, Office of Public Affairs
Hsu, David		Office of the Chairman/Commissioners
Humes, Richard A.		Associate General Counsel for Litigation and Administrative Practice, Office of General Counsel
Jessen, Dawn		Legal Assistant/Counsel to Commissioner Paredes
Johnson, Brian		Program Manager
Jones, C. Hunter		Assistant Director, Office of Regulatory Policy Division of Investment Management
Jones, Clivette T.		Program Analyst, Office of Assistant Director, Enforcement - Office of International Affairs
Kaplan, Robert B.		Assistant Director/Attorney, Division of Enforcement
Kaput, Jim L.		Office of the Chairman/Commissioners
Kelley, Anne-Marie		Legislative Specialist, Office of Legislative and Intergovernmental Affairs
Kimpel, Scott H.		Legal Assistant/Counsel to Commissioner Paredes
Koch, Alexander M.		Branch Chief/Attorney, Division of Enforcement
Konick, Jule		Confidential Assistant to Commissioner Paredes
Korotash, Stephen J.		Associate Regional Director/Attorney, Office of Associate Regional Director, Division of Enforcement (Ft. Worth Regional Office)
Kosterlitz, Mary		Office Chief, Office of Enforcement Liaison, Division of Corporation Finance
Levine, Richard M.		Associate of General Counsel for Enforcement Matters, Office of General Counsel
Loesch, Michael L.		Legal Assistant/Counsel to Chairman Cox
May Zachary		Legal Assistant/Counsel to Commissioner Aguilar
McCants, Shirlee		Research Assistant, Office of Chief Counsel, Division of Enforcement
McGarey, Timothy		Special Trial Counsel, Office of General Counsel
McHugh, Jennifer B.		Legal Assistant/Senior Advisor to the Chairman
McKown, Joan E.		Chief Counsel, Office of Chief Counsel, Division of Enforcement
Medina, Frank		Office of International Affairs
Mejia, Lou R.		Chief Litigation Counsel, Division of Enforcement
Mills, Barbara		Administrative Contact, Office of Human Resources; Secretary to Halloran, Michael J.
Murphy, Elizabeth		Secretary, Office of the Secretary
Nagesh, Ammani V.		Confidential Assistant to the Chairman

Mark Cuban EAJA Privilege Log - Glossary of Names		
Name		Position
Nester, John J.		Director, Office of Public Affairs
Norman, Donna K.		Counsel to the Director and Deputy Directors, Division of Enforcement
Norris, Jeffrey		Senior Trial Counsel, Division of Enforcement (Ft. Worth Regional Office)
Olson, Marianne B.		Office of International Affairs; Division of Enforcement
Pare, Candyce D.		Secretary, Division of Enforcement
Paredes, Troy A.		SEC Commissioner
Peterson, Jill M.		Assistant Secretary, Office of the Secretary
Pisto, Lawrence		Staff Attorney, Division of Enforcement
Post, Michael L.		Senior Litigation Counsel, Office of General Counsel
Ramarathnam, Smeeta		Legal Assistant/Counsel to Commissioner Aguilar
Reed, Matthew P.		Accountant, Division of Enforcement
Ricciardi, Walter		Deputy Director, Division of Enforcement
Riewe, Julie R.		Staff Attorney Branch Chief, Division of Enforcement
Rodriguez, Hoang Mai (Cyndi)		Legal Assistant/Counsel to Commissioner Walter
Romero, Rose		Regional Director, Division of Enforcement (Ft. Worth Regional Office)
Ruiz, Diego T.		Executive Director, Office of the Executive Director
Schulz, William T.		Legislative Specialist, Office of Legislative and Intergovernmental Affairs; Office of International Affairs
Sheppard, Lesli		Legal Assistant/Counsel to Commissioner Walter
Shute, Brian		Accountant, Office of the Chief Accountant, Division of Enforcement
Sporkin, Thomas A.		Deputy Chief, Office of Internet Enforcement, Division of Enforcement
Stachnik, Walter J.		Inspector General
Strada, Matthew		Legal Assistant/Counsel to the Chairman
Thomsen, Linda A.		Director of Enforcement/Attorney, Division of Enforcement
Turner, Alton		Staff Attorney, Division of Enforcement
Uhlmann, Peter M.		Chief of Staff, Office of Chairman Cox
Ungar, Michael A.		Branch Chief/Attorney, Division of Enforcement
Uyeda, Mark T.		Assistant Director/Attorney, Office of Disclosure Regulation, Division of Investment Management
Vaughan, Linda		Administrative Contact/IT Specialist, Office of the Chairman
Vollmer, Andrew		Deputy General Counsel
Walter, Ellise		SEC Commissioner
Weinstein, Andrew		Office of Chairman Cox
Wheat, John M. (Marc)		Legal Assistant/Counsel to Commissioner Casey
Wilkinson, Paul		Legal Assistant/Senior Advisor to the Chairman
Williams, Ida M.		Records Custodian (Sunshine Act), Office of the Secretary
Workie, Haimera		Legal Assistant/Counsel to the Chairman
Zelinsky, Yuri B.		Assistant Director/Attorney, Division of Enforcement

Exhibit B-1

SEC Declaration:

Declaration of Elizabeth Murphy

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES SECURITIES AND
EXCHANGE COMMISSION,

Plaintiff,

v.

MARK CUBAN,

Defendant,

Civil Action No. 3-08-CV-2050-D (SAF)

DECLARATION OF ELIZABETH MURPHY

I, Elizabeth Murphy, declare under penalty of perjury, in accordance with 28 U.S.C. §1746, that:

1. I am Secretary of the United States Securities and Exchange Commission ("Commission").
2. On March 12, 2007, the Commission entered a formal order directing the staff to commence a formal investigation of potential insider trading by Mark Cuban in In the Matter of Mamma.com Transactions Trading in the Securities of Such Issuers, HO-10576. On November 13, 2008, in connection with Mamma.com investigation, the Commission authorized the staff to commence a civil injunction action in federal district court against Mark Cuban.
3. On March 9, 2010, the Commission, through its General Counsel, to whom it has delegated the authority, and who after giving personal consideration to the matter, determined, on

behalf of the Commission, to assert a claim of governmental deliberative process privilege over the following categories of documents in the Commission's files relating to the investigation:

- Drafts and final versions of Action Memoranda containing recommendations to the Commission;
- Draft formal orders prepared for Commission consideration;
- Drafts and final versions of memoranda prepared by the Office of General Counsel for consideration by the Commission;
- The official Commission record of Commission deliberations and decision-making on staff recommendations, including tape recordings of Executive Session meetings of the Commission and the Minutes of those meetings;
- Emails, notes, memoranda, or other records reflecting the thoughts, opinions, evaluations, legal analysis, discussions and/or deliberations among Commission staff in preparing recommendations for consideration by the Commission or by Commissioners or Commission senior officers acting on behalf of the Commission;
- Emails, notes, memoranda, or other records reflecting the thoughts, opinions, evaluations, legal analysis, discussions and/or deliberations among Commission staff recommending disciplinary action against Commission employees;
- Periodic reports prepared for senior officers, identifying legal and evidentiary issues and strategy recommendations with respect to investigations under their supervision as part of ongoing internal deliberations about the handling of specific matters, the progress of enforcement initiatives, and/or the development of Commission priorities.
- Drafts reflecting internal deliberations of Commission staff on Commission public statements, such as press and litigation releases;

4. The deliberative process privilege is being asserted as to the categories of documents listed above because they contain intra-agency communications, including advice, evaluations, opinions, and recommendations of the legal staff of the Commission which pre-date determinations of the Commission and its staff regarding the investigation and proposed civil enforcement of Mark Cuban's sale of Mamma.com stock.

5. The Commission is of the opinion that the production of the deliberative process materials would have an inhibiting effect upon the fullness and frankness of written expression among the Commission and its staff members and thus would have a detrimental effect on the Commission's decision-making processes.

6. On March 9, 2010, the Commission, through its General Counsel, to whom it has delegated the authority, and who after giving personal consideration to the matter, determined, on behalf of the Commission, to assert a claim of law enforcement over the following categories of documents in the Commission's files relating to the investigation:

- Information which would disclose the identity of third-parties who have provided information to the Commission about suspected violations of the securities laws or other matters within the Commission's regulatory jurisdiction;
- Inter-agency communications with other regulatory bodies relating to ongoing investigations;
- Reports by Commission staff relating to investigations not relevant to the Commission's insider trading action against Mark Cuban

7. The law enforcement privilege is being asserted as to these documents because they contain law enforcement investigatory materials, identify investigatory techniques, and sources, the production of which could impair the Commission's enforcement efforts in ongoing or future matters by revealing, among other things, evidence that the staff has obtained or is seeking, issues and matters that the staff considers important, the Commission's strategy for investigations and possible litigation.

I declare under penalty of perjury under laws of the United States of America that the foregoing statements are true to the best of my knowledge.

Executed this 19th day of April, 2010 at Washington, D.C.

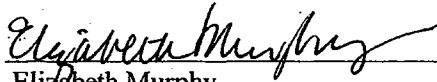

Elizabeth Murphy
Secretary of the U.S. Securities and
Exchange Commission

Exhibit B-2

SEC Declaration:

Declaration of Robert B. Kaplan

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**SECURITIES AND EXCHANGE
COMMISSION,**

Plaintiff,

v.

MARK CUBAN,

Defendant.

Civil Action No.: 3-08-CV-2050-D (SAF)

DECLARATION OF ROBERT B. KAPLAN

I, Robert B. Kaplan, hereby declare, under penalty of perjury, in accordance with 28 U.S.C. 1746, as follows:

1. I am over 18 years of age and am currently employed as the Co-Chief of the Division of Enforcement's Asset Management Unit at the Securities and Exchange Commission ("Commission"), 100 F. Street, N.E., Washington, D.C. I have been employed by the Commission for 14 years. I am an attorney admitted to practice law in the State of New York as well as a number of federal courts.
2. During the time period relevant to this case, I was an Assistant Director in the Division of Enforcement and, among other things, was responsible for supervising the HO-10576 investigation from its initiation in early December 2006 through the filing of this action in federal court. I make the following statements based upon my personal knowledge and

upon information made available to me in my official capacity at the Commission and about which I have become knowledgeable. I make this declaration in support of the Commission's Opposition to Mark Cuban's Motion to Compel.

3. I have reviewed Exhibit A attached to the SEC's April 19, 2010 Memorandum in Opposition to Mark Cuban's Motion to Compel. I have reviewed the privilege log entries and the associated documents which are referenced in this declaration. To assist the Court in evaluating the SEC's claims of deliberative process and law enforcement privilege, I have identified below log entries which are examples of the types of documents which are subject to this declaration. My failure to identify any particular log entry or document should not be treated as a waiver of any privilege claim.
4. In early December 2006, in the process of conducting an investigation, a staff attorney in the Division of Enforcement within my group discovered a document questioning whether Mark Cuban had violated the securities laws by selling his shares of Mamma.com just before it announced its PIPE offering in June 2004. That staff attorney notified me of her discovery and we initiated an informal investigation, HO-10576.
5. In early 2007, based on testimony and evidence gathered, staff working on the HO-10576 investigation began working on an Action Memorandum ("First Action Memorandum"). This First Action Memorandum contains Enforcement staff's analysis of the evidence and legal issues to support its recommendation that the Commission issue a formal order of investigation. Drafts of the First Action Memorandum and the proposed formal order were shared and discussed among members of the HO-10576 investigation team. *See,*

e.g., Electronic Privilege Log Items 25-27, 29, 44-45. These documents reflect the internal give-and-take discussions and deliberations among Enforcement staff in preparing a recommendation for Commission decision.

6. The First Action Memorandum was shared with counsel in the SEC's Office of General Counsel (who serve as counsel to the Commission) in draft form for the purpose of obtaining their comments and advice on the Enforcement staff's analysis of the facts and law. *See, e.g.*, Electronic Privilege Log Items 37-38, 40, 48-49. As reflected in the log, counsel in the Office of General Counsel provided their perspective on the issues presented which were in turn considered by Enforcement staff and incorporated into the final First Action Memorandum.
7. The Commission met in Executive Session on March 12, 2007, considered the staff recommendation, and issued a formal order of investigation in HO-10576.
8. In May 2007, my supervisor, Scott Friestad, communicated with Peter Bresnan, Deputy Director of the Division of Enforcement, and Linda Thomsen, Director of the Division of Enforcement, to obtain approval for making a Wells call to Mark Cuban. *See* Electronic Log Items 95-97.
9. In July 2007, the HO-10576 team prepared memoranda to advise the Director of the Division of Enforcement on the evidence and obtained the legal and factual issues raised by Mark Cuban's Wells submission. *See, e.g.*, Hard Copy Log Items 21-22. Our purpose was to inform the Director of Enforcement about the legal and factual issues in the investigation so that the Director could make the decision whether to support a

recommendation to the Commission to authorize the filing of a civil action against Mark Cuban.

10. In the early summer of 2007, Enforcement staff began drafting an Action Memorandum ("Second Action Memorandum") recommending that the Commission authorize the filing of an insider trading action against Mark Cuban. *See, e.g.*, Hard Copy Log Item 15. Work on the Second Action Memorandum proceeded sporadically as the investigation continued. *See, e.g.*, Electronic Log items 151, 152; Hard Copy Log Items 47, 49, 51. The privilege log identifies numerous drafts and emails among the Enforcement staff on HO-10576 between August and the end of December 2007 which reflect active deliberation, evaluations of the law and evidence, the perspectives of members of the team on various issues raised in the investigation as well as overall strategic considerations. In both drafts of and in the final Second Action Memorandum, the HO-10576 team presented their views on the relevant facts, evidence and legal issues to the Commission to assist it in making a decision with respect to Enforcement staff's recommendation.
11. On December 31, 2007, the Enforcement staff forwarded the Second Action Memorandum to the Commissioners, their staff, certain senior Enforcement officers and to the Office of General Counsel for consideration. *See, e.g.*, Electronic Log Items 267, 442-43. Attorneys in the Commission's Office of General Counsel have responsibility for providing their independent advice to the Commissioners on action memoranda recommending Commission actions.
12. On September 21, 2007, in conjunction with Cuban's second Wells submission, Cuban's

counsel sent a letter to Scott Friestad, Associate Director of the Division of Enforcement, alleging that an SEC employee "subjected Mr. Cuban to a series of astonishing and threatening emails, some of which also appear to have been shared with Chairman Cox." Scott Friestad promptly informed Cuban's counsel by letter that the referenced individual had played no role whatsoever in the HO-10576 investigation. Because the referenced individual had forwarded some of his email correspondence with Mark Cuban to Chairman Cox, I assisted Linda Thomsen, Director of the Division of Enforcement, in preparing a chronology of the HO-10576 investigation and the communications between the referenced individual and Mark Cuban. *See, e.g.*, Electronic Log Items 277, 281-285, 291. Drafts were provided to senior Enforcement officers for their consideration and input. The final memorandum was provided to Chairman Cox and his staff in late January and early February 2008. *See, e.g.*, Electronic Log Items 292-293. In early February, I forwarded a version of the memorandum to Matthew Reed, counsel for Commissioner Casey. *See* Electronic Log Items 346-47. I am aware that staff within the Office of the Chairman deliberated concerning the referenced employee's actions. *See, e.g.* Electronic Log Items 335-336.

13. Subsequent to receiving this memorandum, Chairman Cox recused himself from Commission deliberations with respect to the December 31, 2007 Second Action Memorandum recommending that the Commission authorize filing a civil action for insider trading against Mark Cuban.

14. In anticipation of a Commission decision on the December 31, 2007 Action

Memorandum, the HO-10576 staff began drafting a proposed litigation release and press release to be issued by the Commission if and when it authorized filing an action against Mark Cuban. *See, e.g.* Electronic Log Items 271-72, 370-71. For instance, the draft press release was discussed with and revised by senior officers and the Director of the Office of Public Affairs in preparation of the Commission's official public statement on its decision to bring this action. *See, e.g.* Electronic Log Items 486-487, 489-493.

15. Prior to the Executive Session Commission meeting, the Commissioners and their legal staff were provided a copy of the Second Action Memorandum, both Wells submissions made on behalf of Mark Cuban, and other materials to assist them in their deliberations. *See, e.g.*, Hard Copy Log Items 72-73.
16. In preparation for the Executive Session Commission meeting to discuss the Second Action memorandum with the four remaining Commissioners, members of the HO-10576 team prepared to present our recommendation to the Commissioners and respond to any questions posed by the Commissioners. *See, e.g.*, Electronic Log Items 452-456, 459, 471-473 and Hard Copy Log Items 68-69.
17. On November 13, 2008, four Commissioners, the Enforcement staff working on HO-10576, representatives from the Office of General Counsel, certain senior Commission officers, and a limited number of other necessary staff met in Executive Session to address the staff's recommendation to bring an insider trading case against Mark Cuban. During that Executive Session, Enforcement staff and the Commissioners discussed legal, factual and other issues related to the staff's recommendation. I was present and

participated in deliberations, which are captured in the tape recording and minutes of that session. *See*, Hard Copy Log Items 74-75

18. The documents relating to the HO-10576 investigation – whether covered by the attorney-client privilege, work product protection, deliberative process privilege, or any other privilege or protection -- were treated confidentially within the agency. Our approach was to limit distribution of documents relating to the HO-10576 investigation to:

- the Enforcement team,
- their supervisors,
- other staff who assisted in facilitating the investigation,
- staff who participated in the review of recommendations submitted to the Commission, including individuals in the Office of General Counsel responsible for providing legal advice to the Commissioners, other SEC staff who assist the Commissioners, and the Commissioners' own staff, and
- the Commissioners.

19. In order to prevent any inadvertent pre-decisional disclosure of the HO-10576 investigation and protect Mark Cuban from unwonted adverse publicity, the Commission considered both the First and Second Action Memoranda in Executive Session instead of the typical Closed Commission meeting which all SEC staff may attend. An Executive Session is generally restricted to only those Commission personnel with a legitimate need to know about the matters being deliberated and decided by the Commission.

20. With respect to the December 31, 2007 Second Action Memorandum, the pre-decisional

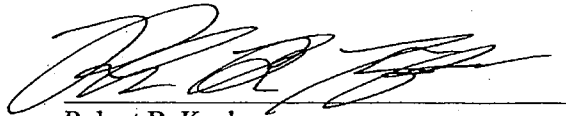
deliberative process did not conclude until the end of the November 13, 2008 Executive Session, at which time the four participating Commissioners unanimously decided to authorize the filing of a civil action against Mark Cuban for insider trading.

21. During the relevant time period in the Division of Enforcement, branch chiefs, Assistant Directors and Associate Directors were required to prepare periodic reports to their supervisors discussing the ongoing investigations under their supervision and identifying legal and evidentiary issues and strategy recommendations with respect to those investigations. For example, Electronic Log Item 236 is a memorandum from my supervisor, Associate Director, Scott Friestad, to the Director of the Division and her staff reporting on pending investigations. These memoranda contain the thoughts, impressions, evaluations, and strategic considerations of Enforcement attorneys and are part of our ongoing internal deliberations used to assist senior officers in making decisions on the handling of specific matters, evaluating the progress of enforcement initiatives, and the development of Commission priorities.
22. I have reviewed Electronic Privilege Log Item 22, which is an email forwarded to Enforcement relating a tip received from a third party source. *See Exhibit A-4.* Only the identity of the tipper and transmitting parties have been redacted. As the document itself shows, the tip was not related to the ongoing HO-10576 investigation and therefore disclosure of the identity of the tipper and transmitting parties serves no useful purpose in this litigation. The disclosure of the identity of those providing tips on possible securities violations would harm the public interest by making persons with information of potential

securities violations unwilling to provide information to SEC.

I declare under penalty of perjury that the forgoing is true and correct to the best of my knowledge and belief.

Executed on April 19, 2010.

A handwritten signature in black ink, appearing to read 'R. B. Kaplan', is written over a horizontal line.

Robert B. Kaplan
Co-Chief , Asset Management Unit
Division of Enforcement
Securities and Exchange Commission

Exhibit B-3

SEC Declaration:

Declaration of Yuri B. Zelinsky

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

MARK CUBAN,

Defendant.

Civil Action No.: 3-08-CV-2050-D (SAF)

DECLARATION OF YURI B. ZELINSKY

I, Yuri B. Zelinsky, hereby declare, under penalty of perjury, in accordance with 28 U.S.C. § 1746, as follows:

1. I am currently an Assistant Director in the Division of Enforcement at the Securities and Exchange Commission ("Commission"), 100 F Street, N.E., Washington, D.C. I am admitted to practice before the Court of Appeals of Maryland.
2. I served as an Assistant Director during the time period relevant to this case. Among other things, I was responsible for supervising the HO-09900 investigation from its initiation in March 2004. I make the following statements based upon my personal knowledge and upon information made available to me in my official capacity at the Commission and about which I have become knowledgeable. I make this declaration in support of the Commission's Opposition to Mark Cuban's Motion to Compel.

3. I have reviewed the privilege log entries listed on Exhibit A attached to the Commission's April 19, 2010 Memorandum in Opposition to Mark Cuban's Motion to Compel that are cited herein. I am familiar with the documents that they describe and the events that they reflect.
4. HO-09900 was opened in March 2004 to determine whether the dramatic price and volume spikes in Mamma.com's stock following the issuance of a March 1, 2004 press release were the result of market manipulation, and whether the March 1 press release contained false and misleading financial information. Ultimately, a decision was made not to recommend an enforcement action after the investigation did not find sufficient evidence of such manipulation or of Mamma.com having misrepresented its fiscal 2003 financial results in the March 1, 2004 press release or in its filings with the Commission. By October 17, 2006, the Enforcement staff assigned to HO-09900 stated that they were "plan[ning] on closing the matter." See SEC MC-0300136-40. The final decision not to recommend any enforcement action arising out of HO-09900 was made by Antonia Chion (Associate Director, Division of Enforcement) in late August-early September 2007. Counsel for Mamma.com was informed of this decision in a letter dated September 19, 2007.
5. Two of the documents listed on Exhibit A (SEC-MC0300654 and SEC-MC0300651-653) are documents that relate to an Information Request received by the Commission on November 1, 2007 from the Market Regulation Department of FINRA (the Financial Industry Regulatory Authority). The request sought information from the Commission regarding contacts between Commission staff members and Copernic, Inc. (or its representatives)

between July 2, 2007 and September 25, 2007. I was provided a copy of this letter by Timothy McGarey, an attorney in the Commission's Office of General Counsel. At his request, I reviewed my files in order to assist his preparation of a timeline to be provided to FINRA in response to the information request. I was assisted in this by Alton Turner, an attorney in the Division of Enforcement who was assigned to the HO-09900 matter. SEC-MC0300654 is a January 22, 2008 email forwarded to me by Mr. McGarey in which he requests that I review a draft of a letter that the Office of General Counsel intended to forward to FINRA in response to the information request. I have been advised by attorneys within the Office of General Counsel who oversaw the retrieval of these documents that SEC-MC0300651-653, a draft response letter from Mr. McGarey to FINRA, was the version of that draft response letter that was attached to SEC-MC0300654, Mr. McGarey's email to me. This draft response letter reflects the timeline Mr. McGarey prepared with the assistance of Mr. Turner and me on behalf of the Commission for submission to FINRA.

6. Several of the documents listed on Exhibit A (including SEC-MC0300609, SEC-MC0300610-612, SEC-MC0300613, SEC-MC0300614-616, SEC-MC0300617-619, SEC-MC0300621-623, and SEC-MC0300648-650) relate to the drafting of a closing memorandum for HO-09900. SEC-MC0300613 is an August 14, 2009 email from Alton Turner to Alexander Koch (with a copy to Paul Harley, another staff member who worked on HO-09900) forwarding an attached copy of a draft version of a closing memo. I have been advised by attorneys within the Office of General Counsel who oversaw the retrieval of these documents that SEC-MC0300614-616, a redlined draft version of the closing memo

reflecting the comments of members of the staff assigned to HO-09900, was the version of the draft closing memo attached to the August 14 email. SEC-MC0300617-619 and SEC-MC0300648-650 are other undated redlined draft versions of the closing memo, and SEC-MC0300621-623 is another undated draft version. SEC-MC0300609 is an August 19, 2009 email from Alton Turner to myself (with a copy to Alexander Koch and Paul Harley) forwarding an attached revised draft version of the closing memorandum. I have been similarly advised that SEC-MC0300610-612 was the version of the draft closing memo attached to the August 19 email. Collectively, these materials are deliberative in that they reflect the staff's thoughts, evaluations, and discussions concerning the decision to close HO-09900.

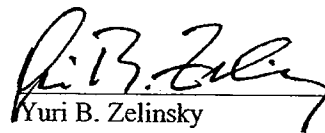
7. Certain of the documents listed on Exhibit A (e.g., SEC-MC0300136-140, SEC-MC0301884-888 and SEC-MC0301918-920) are copies of internal Commission quarterly reports prepared to summarize the status of ongoing investigations being handled within the Division of Enforcement. References to all cases other than to Mamma.com have been redacted in order to prevent the disclosure of information regarding other matters under investigation. The Commission has a duty to safeguard the privacy interests of the entities and individuals which are the subject of these Commission investigations, all of which are completely unrelated to Mr. Cuban's motion.
8. The document stamped SEC-MC0300656 reflects an internal Commission email exchange between me and another Commission staff member discussing an appropriate response to an inquiry received from a reporter regarding HO-09900. The contents of this email are

deliberative in nature and discuss Commission procedures for handling information requests relating to open investigations.

9. The document stamped SEC-MC0300945-947 reflects emails exchanged between Alton Turner and a "tippee" who supplied information to Mr. Turner about Mamma.com. The final email reflects the fact that Mr. Turner forwarded his email exchange to me and to Kara Brockmeyer on October 26, 2005 for informational purposes. Disclosing the identity of a tipper and transmitting parties, and the information forwarded, serves no useful purpose in this litigation. Absent extraordinary circumstances, the disclosure of the identity of those providing tips of possible securities violations, and disclosure of the information provided, would harm the public interest by making persons with information of potential securities violations less willing to provide information to the Commission

I declare under penalty of perjury that the forgoing is true and correct to the best of my knowledge and belief.

Executed on April 19, 2010.



Yuri B. Zelinsky
Assistant Director
Division of Enforcement
Securities and Exchange Commission

Exhibit B-4

SEC Declaration

Declaration of Stephen J. Korotash

employee and their possible effect upon HO-10576 and any resulting Enforcement action.

The memorandum was prepared to inform senior Enforcement officials as part of their deliberations on how to address both items.

4. Document SEC-MC0201712/15 is a draft memorandum concerning a possible proposed personnel action. One paragraph deals with issues relating to Cuban. The remainder of the memorandum concerns personnel issues unrelated to Cuban. This document was drafted as part of FWRO management deliberations as to possible personnel action.
5. Document SEC-MC0302288/374 is a memorandum concerning a proposed personnel action, with attachments. One paragraph of the memorandum deals with issues relating to Cuban. The remainder of the memorandum, and most of the attachments, concern personnel issues unrelated to Cuban. Also, two attachments to the memorandum, concerning an issue unrelated to Cuban, contain information concerning a law enforcement investigation the release of which would disclose that investigation, and which would reveal law enforcement techniques and procedures..

I declare under penalty of perjury that the forgoing is true and correct to the best of my knowledge and belief.

Executed on April 6, 2010.

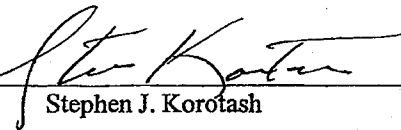

Stephen J. Korotash

Exhibit C-1

Document:

MCSEC0002034-35

Unknown

From: Clark, Christopher J.
Sent: Monday, November 17, 2008 1:37 PM
To: 'kara.scannell@wsj.com'
Subject: On Background

This is the full text of one of the emails, I wanted to make sure you had it.

-----Original Message-----

From: [REDACTED]
Sent: Saturday, May 05, 2007 2:27 PM
To: Mark Cuban
Cc: Cox, Christopher
Subject: RE: "Lose Change"

I AM SHARING THIS WITH CHAIRMAN COX. NEITHER HE NOR THE COMMISSION ENDORSE MY OPINIONS, BUT IN LIGHT OF YOUR THREAT, I THOUGHT SHOULD SEND THIS TO HIM.

Mark:

If this upsets you, I wonder how George Bush feels. I assume that Mr. Cox would view your involvement with "Loose Change" much as I do. After all, he served his country as a Republican Congressman from Orange County for nearly 20 years and was appointed by President Bush. If you feel like sharing my thoughts with Chairman Cox, be my guest.

Previously, I thought you were merely foolish and naïve. Now, however, I see that you are also a hypocrite. I guess your belief in free speech has severe limitations. If someone else is the victim of an absurd conspiracy theory, you defend your right to participate in smearing the good name of of

2/19/2010

CONFIDENTIAL

MCSEC0002034

a patriot like President Bush. But, when you are the subject of a parody of the attack you have endorsed, you suddenly issue threats.

I think I will e-mail this to Chairman Cox myself. I think he will enjoy it. I'm sure he is also a Laker fan.

Since Chairman Cox may not know the background, I will explain. Mark Cuban is the owner of the Dallas Mavericks and has participated in distributing the vicious and absurd documentary, "Loose Change," which posits that President Bush planned the demolition of the World Trade Center as a pretext for going to war against Iraq. We have had some past exchanges about my opinion the Mr. Cuban's support for this project is irresponsible and immoral. Below, I parodied his position that every opinion, no matter how absurd and vicious, deserves to be broadly disseminated.

2/19/2010

CONFIDENTIAL

MCSEC0002035

Exhibit C-2

SEC Document:

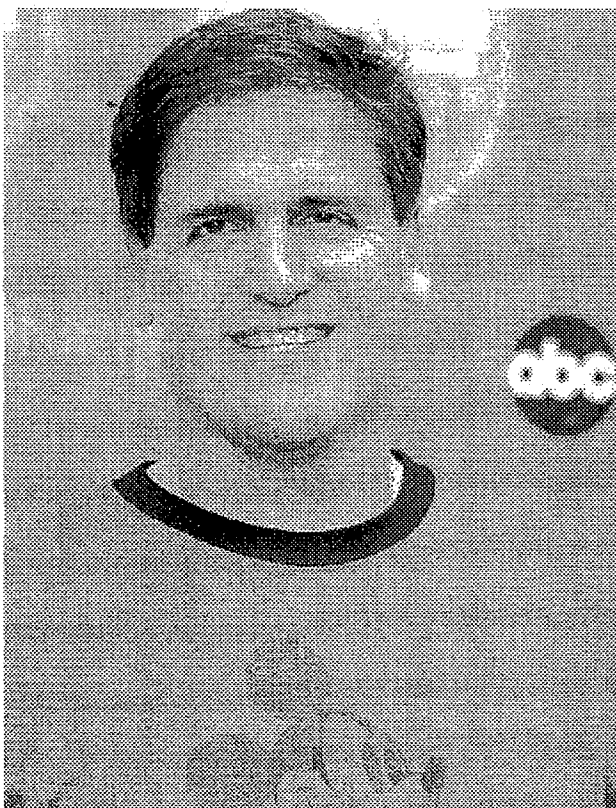
SEC-MC0302501-04

From: McKown, Joan <McKownJ@SEC.GOV>
Sent: Monday, February 26, 2007 2:21 PM (GMT)
To: Friestad, Scott <FriestadS@SEC.GOV>; Thomsen, Linda
<ThomsenL@SEC.GOV>
Subject: RE: Mark Cuban

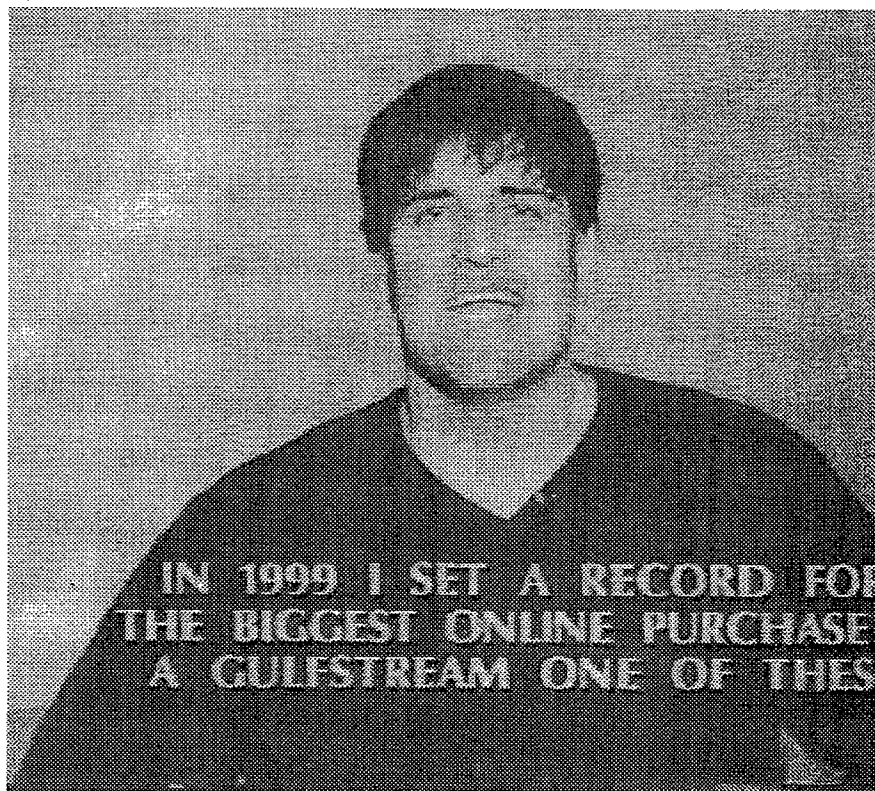
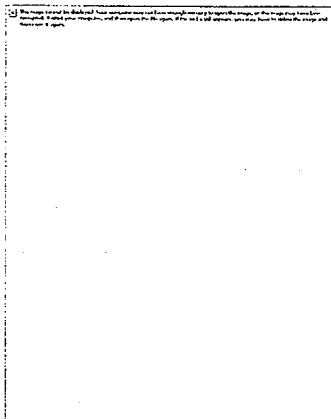
Now I feel fully informed. The picture with the money is particularly helpful and certainly speaks a 1,000 words (if not more).

From: Friestad, Scott
Sent: Monday, February 26, 2007 8:52 AM
To: Thomsen, Linda; McKown, Joan
Subject: Mark Cuban

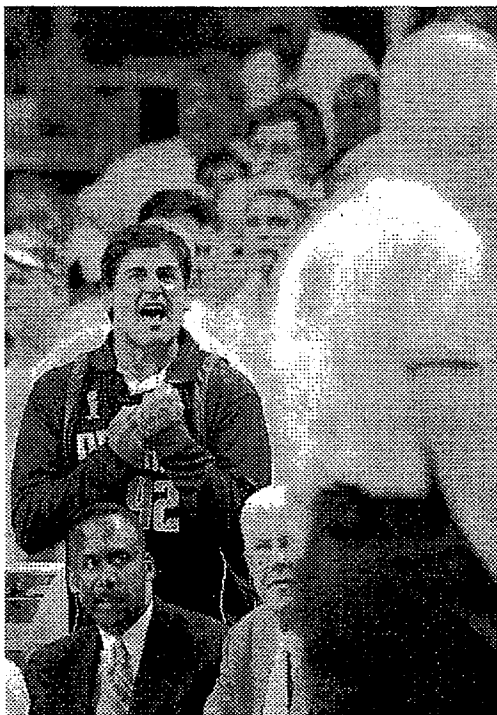
SEC-MC0302501



SEC-MC0302502



SEC-MC0302503



SEC-MC0302504